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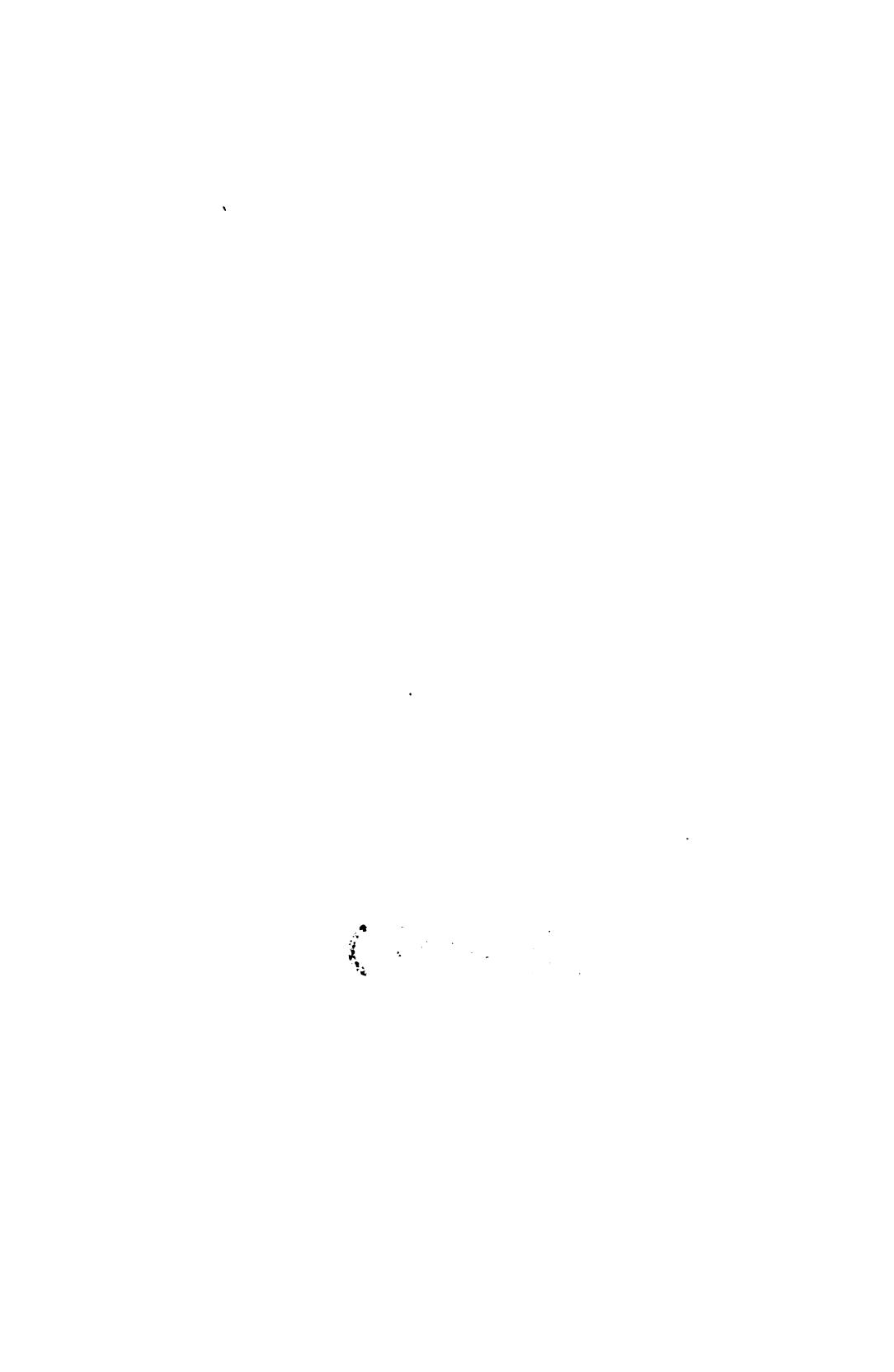
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ACTS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN,

PASSED AT THE
REGULAR SESSION OF 1873.

VOL. III.

LOCAL AND PERSONAL ACTS.



BY AUTHORITY.

LANSING:
W. S. GEORGE & CO., STATE PRINTERS AND BINDERS.
1873.

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1873

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[No. 272.]

AN ACT to provide for filling vacancies in the office of county auditor of Wayne county.

SECTION 1. *The People of the State of Michigan enact,* That the governor shall appoint a suitable person, being a resident of Wayne County, to fill any vacancy now existing, or which may hereafter occur in the office of auditor of said Wayne County. The person so appointed, after having qualified, as now provided in case of persons elected to said office, shall immediately enter upon the performance of his duties as such auditor, and as such shall have all the powers and shall perform the duties authorized or required by law.

SEC. 2. This act shall take immediate effect.

Approved January 16, 1873.

[No. 273.]

AN ACT to legalize the assessment roll of the township of Butler, in the county of Branch, for the year eighteen hundred and seventy-two.

SECTION 1. *The People of the State of Michigan enact,* That the assessment roll of the township of Butler, in the county of Branch, for the year eighteen hundred and seventy-two, be and the same is hereby declared to be as valid and legal as

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SECTION 1. *The People of the State of Michigan enact,* That the governor shall appoint a suitable person, being a resident of Wayne County, to fill any vacancy now existing, or which may hereafter occur in the office of auditor of said Wayne County. The person so appointed, after having qualified, as now provided in case of persons elected to said office, shall immediately enter upon the performance of his duties as such auditor, and as such shall have all the powers and shall perform the duties authorized or required by law.

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Approved January 16, 1873.

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AN ACT to legalize the assessment roll of the township of Butler, in the county of Branch, for the year eighteen hundred and seventy-two.

SECTION 1. *The People of the State of Michigan enact,* That the assessment roll of the township of Butler, in the county of Branch, for the year eighteen hundred and seventy-two, be and the same is hereby declared to be as valid and legal as

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though the same had been out within the time prescribed by law.

SEC. 2. This act shall take immediate effect.

Approved January 17, 1873.

[No. 274.]

AN ACT to legalize the tax roll of the township of ~~Etna~~, in the county of Mecosta, for the year one thousand eight hundred and seventy-two.

~~Tax roll
legalized.~~ SECTION 1. *The People of the State of Michigan enact*, That the tax roll of the township of ~~Etna~~, in the county of Mecosta, for the year one thousand eight hundred and seventy-two, upon which the taxes of said township of ~~Etna~~ are now being collected, be and the same is hereby declared to be as legal and valid as though it had been made out, completed, and delivered to the township treasurer, on or before the first Monday in December, of the year one thousand eight hundred and seventy-two aforesaid.

SEC. 2. This act shall take immediate effect.

Approved February 7, 1873.

[No. 275.]

AN ACT to legalize the assessment roll of the township of Westphalia, in the county of Clinton, for the year eighteen hundred and seventy-two.

~~Assessment
roll legalized~~ SECTION 1. *The People of the State of Michigan enact*, That the assessment roll of the township of Westphalia, in the county of Clinton, for the year eighteen hundred and seventy-two, be and the same is hereby declared to be as valid and legal as though the same had been made and delivered to the township treasurer within the time prescribed by law.

SEC. 2. This act shall take immediate effect.

Approved February 13, 1873.

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[No. 276.]

AN ACT to legalize the assessment roll of the township of Riverside, in the county of Missaukee, for the year eighteen hundred and seventy-two.

SECTION 1. *The People of the State of Michigan enact, That* ^{Assessment roll legalized} the assessment roll of the township of Riverside, in the county of Missaukee, for the year eighteen hundred and seventy-two, be and the same is hereby declared to be as valid and legal as though the non-resident lands had been assessed within the time prescribed by law, and said roll delivered to the township treasurer within the time prescribed by law.

Sec. 2. This act shall take immediate effect.

Approved February 13, 1873.

[No. 277.]

AN ACT to legalize the tax roll of the township of Quilna, in the county of Missaukee, for the year eighteen hundred and seventy-two.

SECTION 1. *The People of the State of Michigan enact, That* ^{Tax roll legalized.} the tax roll of the township of Quilna, in the county of Missaukee, for the year eighteen hundred and seventy-two, be and the same is hereby declared to be as valid and legal as though the non-resident lands had been assessed within the time prescribed by law.

Sec. 2. This act shall take immediate effect.

Approved February 13, 1873.

[No. 278.]

AN ACT to legalize the tax roll of the township of Pioneer, in the county of Missaukee, for the year eighteen hundred and seventy-two.

SECTION 1. *The People of the State of Michigan enact, That* ^{Tax roll legalized.} the tax roll of the township of Pioneer, in the county of

LAWS OF MICHIGAN.

Missaukee, for the year eighteen hundred and seventy-two, be and the same is hereby declared to be as legal and valid as though the non-resident lands had been assessed within the time prescribed by law.

SEC. 2. This act shall take immediate effect.

Approved February 13, 1873.

[No. 279.]

AN ACT to legalize the assessment of the taxes of the township of Buchanan, in the county of Berrien, for the year eighteen hundred and seventy-two, and to legalize the tax roll of said township for said year, and to extend the time for the collection of taxes therein.

Assessment legalized. SECTION 1. *The People of the State of Michigan enact,* That the assessment of the taxes of the township of Buchanan, in the county of Berrien, for the year eighteen hundred and seventy-two, be and the same is hereby declared to be as legal and as valid as though the assessment of said township had been taken within the time and in the manner prescribed by existing laws for the assessment of taxes.

Tax roll legalized. SEC. 2. That the tax roll of the township of Buchanan, in the county of Berrien, for the year eighteen hundred and seventy-two, be and the same is declared to be as valid as though the same had been made out and delivered to the township treasurer at the time and in the manner prescribed by law.

Time for collection of taxes extended. SEC. 3. The time for the collection of taxes in said township of Buchanan, for the year eighteen hundred and seventy-two, is hereby extended until the first Monday in March, eighteen hundred and seventy-three.

Collection and return of taxes. SEC. 4. The treasurer of the township of Buchanan is hereby authorized and empowered to proceed and collect said taxes as fully as he could do in the life-time of his warrant, and to make returns in the manner provided by law, on or before the first Monday in March, eighteen hundred and seventy-three;

and his said warrant is hereby continued in full force and vir- ^{Warrant continued in force.} tue, for the purposes aforesaid, until the first Monday in March, in the year eighteen hundred and seventy-three.

SEC. 5. It shall be the duty of the treasurer of said township, ^{Renewal of bond.} before he shall be entitled to the benefits of this act, to renew his official bonds to the satisfaction of the treasurer of the county of Berrien.

SEC. 6. A transcript of all unpaid taxes returned to the county treasurer by the township treasurer of said township of Buchanan, in pursuance of the provisions of this act, shall ^{Transcript of unpaid taxes to be returned to Auditor General.} be returned by the county treasurer of said county of Berrien to the Auditor General (as soon as practicable), and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as taxes for the year eighteen hundred and seventy-two, duly returned under existing laws to the Auditor General for non-payment.

SEC. 7. This act shall take immediate effect.

Approved February 13, 1873.

[No. 280.]

AN ACT to legalize the tax roll of the village of Vernon, in the county of Shiawassee, for the year eighteen hundred and seventy-one, and to extend the time for the collection of the taxes therein.

Whereas, The collection of the village taxes of Vernon, Shiawassee county, for the year eighteen hundred and seventy-one, has been prevented by an injunction, which injunction is now dissolved;

SECTION 1. *The People of the State of Michigan enact, That* ^{Tax roll legalized.} the tax roll in the village of Vernon, in the county of Shiawassee, for the year eighteen hundred and seventy-one, be and the same is hereby declared to be legal and valid.

SEC. 2. The time for the collection of taxes in said village of

Time extended. Vernon, for the year eighteen hundred and seventy-one, is hereby extended until May first, eighteen hundred and seventy-three.

Marshal authorized to collect. SEC. 3. The marshal of said village of Vernon is hereby authorized and empowered to proceed and collect said taxes as fully as he could do in the life-time of his warrant, and to make return in the manner provided by law, on or before the first day of May, eighteen hundred and seventy-three; and the said warrant is hereby continued in full force and virtue for the purpose aforesaid, until the first day of May next.

Warrant continued in full force. SEC. 4. This act shall take immediate effect.

Approved February 14, 1873.

[No. 281.]

AN ACT to legalize the tax roll of the township of Reeder, in the county of Missaukee, for the year eighteen hundred and seventy-two.

Tax roll legalized. SECTION 1. *The People of the State of Michigan enact,* That the tax roll of the township of Reeder, in the county of Missaukee, for the year eighteen hundred and seventy-two, be and the same is hereby declared to be as valid and legal as though the non-resident lands had been assessed within the time prescribed by law.

SEC. 2. This act shall take immediate effect.

Approved February 14, 1873.

[No. 282.]

AN ACT to legalize the assessment rolls of the second and third wards of the city of Flint, in the county of Genesee, State of Michigan, for the year one thousand eight hundred and seventy, and to extend the time for the collection of the unpaid taxes levied therein.

Assessment rolls legalized. SECTION 1. *The People of the State of Michigan enact,* That the general assessment rolls and tax lists of the second and

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third wards of the city of Flint, for the year eighteen hundred and seventy, which are irregular and defective by reason of their having been levied and placed in said rolls under color of the provisions of the charter of said city authorizing the raising of money for highway purposes, an amount to defray in part the expenses of constructing and completing a pavement upon one of the streets in said second and third wards, be and the same are hereby declared legal and valid, as though all the taxes levied and placed in said assessment rolls as highway taxes had been raised for general highway purposes, within the letter, meaning, and spirit of the charter of said city authorizing the raising of taxes for highway purposes.

SEC. 2. The treasurer of said city is hereby authorized and ^{Collection of taxes.} required to collect the taxes assessed in said tax or assessment rolls of said second and third wards, as highway taxes, which have not heretofore been paid, in the same manner as he or the marshal of said city could lawfully have done had the said highway taxes been raised for the general highway purposes, within the meaning and spirit of the charter authorizing the raising of the same; and the said treasurer is also authorized and required to make return thereof on or before the twenty-fifth day of March next ensuing, unless the common council of said city shall further extend the time for making such return.

SEC. 3. The warrants annexed to said rolls of said second and third wards are hereby legalized, revived, and continued in force until said twenty-fifth day of March next, and the common council may extend the same for a period not exceeding three months.

SEC. 4. The county treasurer of the county of Genesee is hereby authorized and required to deliver said assessment rolls and tax lists of said wards to the treasurer of said city for the purposes mentioned in this act.

SEC. 5. It shall be the duty of the treasurer of said city, ^{Delivery of assessment rolls and tax lists.} ^{Renewal of bond.} before entering upon the duties prescribed in this act, to

renew his official bond, to be approved by the common council of said city.

SEC. 6. This act shall take immediate effect.

Approved February 19, 1873.

[No. 283.]

AN ACT to legalize the tax roll of the township of Orange, in the county of Ionia, for the year one thousand eight hundred and seventy-two, by striking therefrom all taxes assessed as drain taxes.

Preamble. *Whereas*, Charles Mathews, drain commissioner of the township of Orange, in the county of Ionia, having failed to comply with the requirements of sections two and three of the township drain law, being sections one thousand seven hundred and seventy-nine and one thousand seven hundred and eighty of the compiled laws of eighteen hundred and seventy-one, in laying out drains in said township;

Supervisor may strike drain taxes from roll. SECTION 1. *The People of the State of Michigan enact*, That the supervisor of the township of Orange, in the county of Ionia, be and he is hereby authorized to strike from the tax roll of said township, for the year one thousand eight hundred and seventy-two, now in the hands of the treasurer of said township, all taxes assessed thereon as drain taxes.

Collection of taxes. SEC. 2. The treasurer of said township is hereby authorized to collect all other taxes assessed on said roll, except such as are assessed as drain taxes, and make return thereof as required by law, and in settling with the county treasurer said drain taxes shall not be taken into account, and the said township treasurer shall not be held liable for not collecting the same.

SEC. 3. This act shall take immediate effect.

Approved February 19, 1873.

[No. 284.]

AN ACT to legalize the tax roll of the township of Chapin, in Saginaw county, and the levy of certain taxes thereon for the year eighteen hundred and seventy-two.

Whereas, The supervisor elected in the township of Chapin, ^{Preamble.} in Saginaw county, for the year eighteen hundred and seventy-two, failed to complete his tax roll in the time specified by law; *And whereas*, The board of supervisors of Saginaw county, did, at its annual session, in October, eighteen hundred and seventy two, authorize and direct Theodore L. Brundage, the acting supervisor of said township, to make out and certify to a new tax roll for said township, for the year eighteen hundred and seventy-two; *And whereas*, such new roll was made out as directed by said board of supervisors, and by said board equalized, accepted, and treated as the lawful and proper tax roll of said township; *And whereas*, The highway commissioners of the said township of Chapin have caused to be levied the highway taxes of said township upon said roll, but subsequent to the day fixed in law for levying such highway taxes; therefore,

SECTION 1. *The People of the State of Michigan enact*, That the tax roll for the township of Chapin, in Saginaw county, made by Theodore L. Brundage, acting supervisor, by order of the board of supervisors of Saginaw county, be and the same is hereby declared as legal and valid as if the same had been made by the person originally elected supervisor of said town, and as if the same had been completed, received, [reviewed,] and certified to by the said supervisor at the time and in the manner directed by law, and that the taxes on said roll may be collected, returned, and treated in all respects, as valid in law.

SEC. 2. The highway commissioners of said town are hereby <sup>Tax roll
legalized.</sup> <sup>Highway
commission-
ers author-
ized to levy
taxes.</sup> authorized to levy highway taxes on said roll, for the year eighteen hundred and seventy-two, with the same legal force and effect as if the same had been completed, and the said

taxes levied on the first Monday in May, as provided in the statute, and the neglect to levy highway taxes on the day prescribed by law shall not release any person liable for such taxes from the payment of the same as provided by law.

SEC. 3. This act shall take immediate effect.

Approved February 19, 1873.

[No. 285.]

AN ACT to correct and legalize the assessment roll of the township of Dayton, in Newaygo county, for the year one thousand eight hundred and seventy-two, and to extend the time for the collection of taxes thereon.

Supervisor
to make new
assessment
roll.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the supervisor of the township of Dayton, in the county of Newaygo, to make a new assessment roll for said township, for the year one thousand eight hundred and seventy-two, and make a copy of said new roll, and deliver such copy to the township treasurer on or before the first day of March next.

What new
roll shall
contain.

SEC. 2. In making said new roll said supervisor shall copy so many of the descriptions and amounts of real and personal property and the valuation thereof as are correctly entered upon the assessment roll of said township for said year, and shall add in said new roll, in the proper place or places, such descriptions of real estate situated in said township, and liable to taxation, with the valuation thereof, on the third Monday of May in the year one thousand eight hundred and seventy-two, as were omitted from said assessment roll.

Apportion-
ment of
taxes to re-
main the
same.

SEC. 3. In making said new roll, the apportionment of taxes and the equalization of said township shall remain as apportioned and equalized by the board of supervisors of said county, in October, one thousand eight hundred and seventy-two.

Supervisor
shall extend
taxes, etc.

Said supervisor shall also extend the taxes, make the copy of said new roll, and the footings thereof, and add the

certificates and warrant to said new roll and copy, in the manner required by law.

SEC. 4. Said new roll, when completed, shall become and be treated in every respect as the assessment roll of said township for the year one thousand eight hundred and seventy-two; and the township treasurer of said township is hereby authorized and required to collect the taxes on said new roll, and make return thereof on or before the first day of April in the year of our Lord one thousand eight hundred and seventy-three, in the manner required by law.

SEC. 5. The township treasurer of said township shall mark the taxes as paid, of such descriptions and amounts of real and personal property on said new roll as may have been paid on said original tax roll, refunding the overplus, if any, to the person or persons who paid the same.

SEC. 6. It shall be the duty of the treasurer of said township, before he shall be entitled to the provisions of this act, to renew his official bond to the satisfaction of the treasurer of said county.

SEC. 7. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and seventy-two, duly returned to the Auditor General for non-payment.

SEC. 8. This act shall take immediate effect.

Approved February 19, 1873.

[No. 286.]

AN ACT to legalize the assessment roll of the township of Henderson, in the county of Wexford, for the year eighteen hundred and seventy-two.

SECTION 1. *The People of the State of Michigan enact, That* the assessment roll of the township of Henderson, in the

county of Wexford, for the year eighteen hundred and seventy-two, be and the same is hereby declared to be as valid and legal as though the assessment and said assessment roll had been made out within the time prescribed by law.

SEC. 2. This act shall take immediate effect.

Approved February 19, 1873.

[No. 287.]

AN ACT to legalize the assessment roll of the township of Cherry Grove, in the county of Wexford, for the year eighteen hundred and seventy-two.

Assessment roll legalized

SECTION 1. *The People of the State of Michigan enact*, That the assessment roll of the township of Cherry Grove, in the county of Wexford, for the year eighteen hundred and seventy-two, be and the same is hereby declared to be as valid and legal as though the assessment and said assessment roll had been made out within the time prescribed by law.

SEC. 2. This act shall take immediate effect.

Approved February 19, 1873.

[No. 288.]

AN ACT to extend the time for the collection of taxes in the several wards in the city of Niles, in the county of Berrien, for the year eighteen hundred and seventy-two.

Time for collection extended.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the several wards in the city of Niles, for the year eighteen hundred and seventy-two, is hereby extended until the first day of April next.

Supervisors authorized to execute new warrant etc.

SEC. 2. The supervisors of the city of Niles are hereby empowered and authorized to execute new warrants, and affix the same to the tax rolls of said city of Niles, and the tax rolls, with the new warrants thereto affixed, shall be as valid as though they had been made at the time required by the gen-

eral law of this State, and shall in all respects, except as to time, be made in accordance with said law.

SEC. 3. The treasurer of the city of Niles is hereby authorized and empowered to proceed and collect said taxes, and to make returns in the manner provided by law, on or before the first day of April, eighteen hundred and seventy-three.

SEC. 4. The extension of time for the collection of taxes provided for in this bill shall in no way prejudice or affect any action which may have been, or which hereafter may be taken against the late treasurer, or his surety, for the recovery of any and all moneys by him collected on the tax rolls of said city of Niles, which have not been paid over according to law, or damages for not collecting the same.

SEC. 5. This act shall take immediate effect.

Approved February 19, 1873.

[No. 289.]

AN ACT to authorize the city of Ann Arbor to borrow money for the purpose of erecting a court house in said city, and to issue its bonds for the payment of the same.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the city of Ann Arbor is hereby authorized and empowered to borrow a sum of money, not exceeding thirty-three thousand dollars, on the faith and credit of said city, and issue its bonds therefor, payable at a time not exceeding twelve years from the date thereof, and at a rate of interest not exceeding seven per cent per annum, which money shall be expended for the erection of a court house in said city of Ann Arbor, with suitable rooms therein for the use of said city: *Provided*, That the question of making said loan shall be voted on by the property tax-paying electors of said city, in the manner provided for in the charter of said city for raising additional taxes: *And provided further*, That no bonds shall be issued under the provisions of this act unless the majority of the votes cast by the property tax-pay-
City au-
thorized to
borrow
money.
Proviso
relative to
submitting
question to
electors.
Further
proviso rela-
tive to the
issuing of
bonds.

ing electors of said city, voting upon the question of the issue of said bonds at such election, shall be in favor thereof.

Duty of council to provide for paying interest on bonds. SEC. 2. It shall be the duty of the common council of said city to provide by tax for the payment of the interest accruing on said bonds as it shall become due, which tax shall be in addition to, and shall be levied and collected in, the same manner as the taxes which the common council are now or may be hereafter authorized to levy and collect; and it shall be the duty of the common council of said city to provide for the payment of said bonds at the maturity thereof by tax upon the taxable property of said city.

For payment of principal. SEC. 3. This act shall take immediate effect.

Approved February 20, 1873.

[No. 290.]

AN ACT to legalize the tax roll of the township of Rubicon, in the county of Huron, for the year eighteen hundred and seventy-two, and to extend the time for the collection of the taxes therein.

Tax roll legalized. SECTION 1. *The People of the State of Michigan enact,* That the tax roll of the township of Rubicon, in the county of Huron, for the year eighteen hundred and seventy-two, be and the same is hereby declared to be as valid and legal as though the same had been made out and delivered to the township treasurer at the time prescribed by law.

Time for collection of taxes extended. SEC. 2. The time for the collection of taxes in said township of Rubicon, for the year eighteen hundred and seventy-two, is hereby extended until April first, eighteen hundred and seventy-three.

Treasurer authorized to collect. SEC. 3. The treasurer of said township of Rubicon is hereby authorized and empowered to proceed and collect said taxes as fully as he could do in the life-time of his warrant, and to make return in the manner provided by law, on or before April first, eighteen hundred and seventy-three; and his said

warrant is hereby continued in full force and virtue, for the purpose aforesaid, until April first, in the year eighteen hundred and seventy-three.

SEC. 4. The treasurer of said township, upon receiving the tax list and warrant, shall, for the purpose of collecting the taxes therein mentioned, be and remain at his office or place of business on Friday of each and every week, after receiving such list, until and including the last Friday in the month of February ; and upon all taxes paid or tendered to him on such days, or at any other time before the first day of March next, he shall add one per cent for collection fees; and upon all taxes collected by him on or after the first day of March, he shall add four per cent for collection fees.

SEC. 5. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefits of this act, to renew his official bonds to the satisfaction of the treasurer of said county of Huron.

SEC. 6. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the provisions of this act shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and seventy-two, duly returned to the Auditor General for non-payment.

SEC. 7. This act shall take immediate effect.

Approved February 21, 1873.

[No. 291.]

AN ACT to provide for legalizing of certain bonds heretofore issued by the village of Pentwater.

SECTION 1. *The People of the State of Michigan enact, That* the bonds heretofore issued by the village of Pentwater, amounting to the sum of twenty-three hundred and seventy-five dollars, for purchasing land and erecting an engine house,

shall be deemed and are hereby made legal, and a legal charge against said village, and shall be paid by a tax upon the taxable property in said village, to be levied, assessed, and collected in the same manner as the taxes of said corporation for ordinary purposes.

SEC. 2. This act shall take immediate effect.

Approved February 21, 1873.

[No. 292.]

AN ACT to legalize the tax roll of the village of Mt. Clemens, for the year eighteen hundred and seventy-two.

Assessment and tax roll legalized. SECTION 1. *The People of the State of Michigan enact, That the assessment and tax roll of the village of Mt. Clemens, in the county of Macomb, for the year eighteen hundred and seventy-two, be and the same is a valid tax roll, notwithstanding the omission of the common council of said village to record in the record of the proceedings, the assessment of the specific amount of taxes to be raised for said year; and notwithstanding, also, that the amount assessed in said roll for a sewer tax exceeded the amount voted to be raised by the electors as a sewer tax; and notwithstanding, also, the words "and not at the price it would sell for at a forced or auction sale," are omitted from the certificate of the assessors attached to said roll; and notwithstanding, also, that the warrant of the president, recorder, and trustees of said village, annexed to said roll, is not under the seals of said president, recorder, and trustees, as required in section eleven of the charter of said village, as amended in the session laws of eighteen hundred and sixty-nine, page one thousand and seventy-six.*

SEC. 2. This act shall take immediate effect.

Approved February 28, 1873.

[No. 293.]

AN ACT to organize the township of Boardman, in the county of Kalkaska.

SECTION 1. *The People of the State of Michigan enact, That* Boundaries. township number twenty-six north, of range number eight west, in the county of Kalkaska, be and is hereby organized into a separate township by the name of Boardman.

SEC. 2. The first election in said township shall be held at First, election, when and where held. the house of Emory Myers, on the first Monday of April, eighteen hundred and seventy-three, which said election shall be conducted according to the statutes in such cases made and provided; and Edwin Luce, H. H. Cole, and W. H. Leach are Inspectors of election. hereby constituted and appointed inspectors of said election.

SEC. 3. If for any reason the township meeting aforesaid Provision in case of failure to hold at specified time. should not be held at the time named, it shall be lawful to hold the same on any day thereafter, by giving at least ten days' notice of the time and place of holding such meeting, by posting notices thereof in four of the most public places in said township, which the said board of inspectors are hereby authorized and required to do.

SEC. 4. This act shall take immediate effect.

Approved February 28, 1873.

[No. 294.]

AN ACT to organize the township of Edwards, in the county of Iosco.

SECTION 1. *The People of the State of Michigan enact, That* Boundaries. township twenty-one (21) north, of ranges one (1) and two(2) east, in the county of Iosco, be and the same is hereby organized into a separate township by the name of Edwards.

SEC. 2. The first election in said township shall be held at First, election, when and where held. the office of George W. Hotchkiss, in the village of Georgetown, on the first Monday of April, eighteen hundred and seventy-three, which said election shall be conducted according to the

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statutes in such cases made and provided ; and Nelson Wright, Joseph Gilman, and George W. Hotchkiss are hereby constituted and appointed inspectors of said election.

~~ion in~~ ~~to~~ ~~ed~~ SEC. 3. If for any reason it shall be impracticable to hold said election at the place herein designated therefor, it shall be lawful for the electors assembled at or as near as may be to such place, to adjourn said meeting to the nearest convenient place for holding the same, and at said place of adjournment forthwith proceed with the meeting.

SEC. 4. This act shall take immediate effect.

Approved February 28, 1873.

[No. 295.]

AN ACT to organize the township of Ogemaw, in the county Iosco.

~~aries.~~ SECTION 1. *The People of the State of Michigan enact,* That townships number twenty-two and twenty-three north, of range one and two east, in the county of Iosco, be and the same is hereby organized into a separate township by the name of Ogemaw.

~~n, and held.~~ SEC. 2. The first election in said township shall be held at the office of the Ogemaw Lumber Company, on the first Monday of April, eighteen hundred and seventy-three, which said election shall be conducted according to the statutes in such cases made and provided ; and C. L. Nauman, J. L. Mills, and James Campbell, are hereby constituted and appointed inspectors of said election.

~~ion in~~ ~~fall-~~ ~~hold~~ ~~n at~~ SEC. 3. If for any reason it shall be impracticable to hold said election at the place herein designated therefor, it shall be lawful for the electors assembled at or as near as may be to such place, to adjourn said meeting to the nearest convenient place for holding the same, and at said place of adjournment forthwith proceed with the meeting.

SEC. 4. This act shall take immediate effect.

Approved February 28, 1873

[No. 296.]

AN ACT to organize the township of Greenwood, in the county of Wexford.

SECTION 1. *The People of the State of Michigan enact,* That Boundaries. township twenty-four north, of ranges nine and ten west, in the county of Wexford, be and the same is hereby organized into a separate township by the name of Greenwood.

SEC. 2. The first election in said township shall be held at First election, when and where held. the house of George W. Wheeler, on the first Monday of April, eighteen hundred and seventy-three, which said election shall be conducted according to the statutes in such cases made and provided; and George W. Wheeler, Taylor Gray, and John Inspectors. Hewlett are hereby constituted and appointed inspectors of said election.

SEC. 3. If for any reason the township meeting aforesaid Provision in case of failure to hold at specified time. should not be held at the time named, it shall be lawful to hold the same on any day thereafter, by giving at least ten days' notice of the time and place of holding such meeting, by posting notices thereof in four of the most public places in said township, which the said board of inspectors are hereby authorized and required to do.

SEC. 4. This act shall take immediate effect.

Approved February 28, 1873.

[No. 297.]

AN ACT to organize the townships of Deep River, Standish, and Pinconning, and to reorganize the township of Clayton, in Bay County.

SECTION 1. *The People of the State of Michigan enact,* That Deep River organized. township nineteen north, of range three east, and township nineteen north, of range four east, in Bay county, be, and the same is hereby organized into a township by the name of Deep River, and the first township meeting therein shall be held on

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- ✓ the first Monday of April next at the school-house in the village of Deep River, in said township, and John Bullock, George H. Childs, and Thomas White, are hereby authorized to act as inspectors of said first township meeting.
- ✓ SEC. 2. Townships seventeen north, of range three east, seventeen north, of range four east, and seventeen north, of range five east, in Bay county, be, and the same are hereby organized into a township by the name of Pinconning, and the first township meeting therein shall be held on the first Monday of April next, at the warehouse of Van Eten & Keiser, in said township, and E. B. Knight, Louis Pelkey, and A. Packard are hereby authorized to act as inspectors of said first township meeting.

SEC. 3. Townships eighteen north, of range three east, eighteen north, of range four east, and eighteen north, of range five east, in Bay county, be, and the same are hereby organized into a township by the name of Standish, and the first township meeting therein shall be held on the first Monday of April next, at the school-house in the village of Standish, in said township, and A. D. Walker, James S. Gailey, and George Shillinger, are hereby authorized to act as inspectors of said first township meeting.

SEC. 4. Township twenty north, of range three east, in Bay county, is hereby attached to the township of Clayton, in said county, and township twenty north, of range four east, and the township hereby attached, shall constitute the township of Clayton.

✓ SEC. 5. If for any reason the township election shall not be held in townships named in the several sections of this act, or in either of said townships, at the time named for holding the same, it shall and may be lawful to hold the same at any time thereafter prior to the first day of May next, by giving at least five days' notice of the time and place of such meeting, by posting notices thereof in four of the most public places in such township when said election is to be held, which said

notice the said board of inspectors for such township are hereby authorized and required to post.

SEC. 6. This act shall take immediate effect.

Approved February 28, 1873.

[No. 298.]

AN ACT to incorporate a board of water commissioners for the city of East Saginaw, to supply the city with pure and wholesome water, and to provide for the completion and management of the East Saginaw water works.

SECTION 1. *The People of the State of Michigan enact,* That the common council of the city of East Saginaw be and they are hereby authorized and empowered, and it shall be their duty, to appoint five persons, residents and freeholders in said city, to be named and constituted a board of water commissioners for the city of East Saginaw, who, and their successors in office, shall be a body corporate, to be known by the name and style of the board of water commissioners of the city of East Saginaw, and by that name shall have power to make contracts, sue and be sued, to have a common seal, and to alter and change the same at their pleasure; to purchase, hold, and convey personal and real estate, to make by-laws, ordinances, rules, and regulations, and do all legal acts that may be necessary and proper to carry out the effect, intent, and objects of this act.

SEC. 2. The said commissioners shall hold their offices respectively for the term of one, two, three, four, and five years from the first Tuesday in March, of the year eighteen hundred and seventy-three. The said commissioners above named shall, within thirty days after the passage of this act, decide by lot their respective terms of office, which decision shall be certified in writing to the common council of said city, and be entered of record on the books of said council;

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and at their first regular meeting in the month of January, eighteen hundred and seventy-four, and annually thereafter, the said common council shall elect by ballot a citizen of said city, being a qualified elector and a freeholder therein, as a commissioner, who shall hold his office for the term of five years from the first Tuesday in the month of March following: *Provided*, That this section shall not be construed to prevent or disqualify any member of said board for re-appointment. And in case of the death, resignation, or removal from the city of any commissioner, the common council shall, at its next regular meeting thereafter, elect a citizen of said city, being a qualified elector and freeholder, to fill such vacancy for the remainder of the unexpired term.

SEC. 3. The said commissioners shall elect one of their number as president of the board, who shall hold his office for one year, or until the second Tuesday in March next ensuing his election, and in case of the death, resignation, or removal of the president, the said commissioners shall have power to fill the vacancy as in the first instance. Said commissioners shall also appoint some suitable person secretary of the board, who shall hold office during the pleasure of the board. They shall have power to appoint and employ such superintendents, engineers, clerks, collectors, assessors, surveyors, inspectors, and laborers as in their opinion may be necessary to enable them to properly perform their duties under this act, and to specify the duties of all persons so employed, and to fix their compensation; but said commissioners shall receive only such compensation for their own services as the common council of said city shall authorize and direct.

SEC. 4. The said commissioners shall have power to borrow from time to time, upon the best terms they can make after giving public notice by advertising in one paper in each of the cities of East Saginaw, Detroit, Boston, and New York, for such time as they shall deem expedient, a sum of money not exceeding three hundred thousand dollars, includ-

ing the bonds already issued by the common council of said city, for the purpose of constructing water-works therefor, upon the credit of the said city of East Saginaw, and shall have full authority to issue bonds pledging the faith and credit of said city for the payment of the principal and interest of said bonds; which bonds shall issue under the seal of said board of water commissioners, and be signed by them, or a majority of them, and the mayor of said city; and said bonds shall bear interest not exceeding the rate of eight per cent per annum, and shall be payable at a period not to exceed twenty years from the date of their issue. And it shall be the duty of said commissioners to cause to be kept an accurate register of all the bonds issued by them, showing the number, date, amount, rate of interest, number of coupons, when and where payable, and to whom issued, of each bond; and it shall also be their duty to cause to be furnished to the controller of said city a copy of such register as soon as the same is made and the bonds issued, which shall be preserved by said controller, and by him copied into the bond register of said city.

SEC. 5. It shall be the duty of said commissioners to examine and consider all matters relative to supplying the city of East Saginaw with a sufficient quantity of pure and wholesome water for the use and convenience of all the inhabitants of said city, to be obtained from the Tittabawassee river, or such other source of supply as may be deemed expedient, and to so plan, manage, and construct said water-works as to provide for an ample supply to protect said city against fire, and for other public or sanitary purposes, as the best interests of said city and its inhabitants may seem to require.

SEC. 6. Said commissioners shall have power, and it is hereby made their duty, as soon as may be after the necessary funds shall have been procured, as herein provided, to purchase lands and material, procure and adopt plans, and construct such buildings, machinery, reservoirs, pipes, and fixtures, as shall be deemed necessary to furnish a full supply of water

Authority to issue bonds.

To be signed by commissioners and mayor.

Register of bonds issued to be kept.

Copy to be furnished for controller.

Duty of commissioners relative to supplying city with water.

Relative to purchase of lands, erection of buildings, etc.

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for public and private use in said city; and they shall have full power, for the purposes of this act, to lay conduits or pipes, aqueducts, or other necessary works, over or under any water-course, or under and along any street, alley, lane, turnpike, road, railroad, or highway, within or without said city, but in such manner as not to obstruct the same, or impede or prevent travel thereon; and they may, at all times, enter upon and dig up such street, alley, road, or public way, to lay pipes thereon, or construct works beneath the surface thereof; and to maintain, repair, or renew the same, with like restrictions as to travel, and they shall return such street, road, or other public way, to its former condition as near as may be, in every such case. The rights of such board to use all streets, lanes, and public highways shall take precedence over those granted to any corporation by the common council of said city, and over all other parties whomsoever, except in case of the public sewers of said city.

SEC. 7. Said commissioners shall have power to construct reservoirs, jets, and fire hydrants, at such localities in said city as they may deem necessary and expedient, and to keep the same in repair; and also, with the consent of the common council of the city, to construct fountains for public use in the streets, squares, or other public grounds in said city.

SEC. 8. Said commissioners shall, from time to time, cause to be assessed the water-rate to be paid by the owner or occupants of each house or building having or using water, upon such basis as they shall deem equitable; and such water-rate shall become a continuing lien, until paid, upon such house or other building, and upon the lot or lots on which such house or other building is situate: *Provided*, When water is furnished a tenant, said board shall cause notice to be served on the owner of such lot or building within thirty days after default on the part of the tenant to pay such water-rate, or no such lien shall attach.

SEC. 9. Said commissioners shall have full power to make

and enforce all necessary by-laws, rules, and regulations for the collection of said water-rates, either by the appointment of collectors to demand the same, requiring payment at the office of the board, shutting off the water, or by a suit at law before any court of competent jurisdiction, or by the sale of the lot or premises upon which such rates shall have become a lien; and such sales shall be conducted in the same manner, and shall have the same force, virtue, and effect of sales of lots or premises delinquent for city taxes; and any attempt to collect said rates, by any process hereinbefore mentioned, shall not in any way invalidate the lien upon such lot or premises, or in any way hinder or prevent their sale to finally satisfy said lien.

SEC. 10. The said commissioners shall provide and keep a public office in some convenient place in said city, where its meetings shall be held, and its books and records shall be kept. They shall cause to be kept an accurate record of all proceedings, together with a list of all assessments for water-rates, which shall be a public record, and subject to inspection at all times to all persons interested. They shall, on or before the first Tuesday in January in each year, make and publish an annual report, which report shall embrace a full statement of the condition and operation of the works, a statement of the funds, securities, debts due to and from the board, and an accurate account of all their receipts and expenditures for the year; a copy of which shall be filed with the common council of said city, and published in at least one newspaper, as said council may direct.

SEC. 11. Before entering upon the duties of their office, said commissioners shall each execute and file a bond in the sum of ten thousand dollars, with two or more sureties, to be approved by the mayor of said city, conditioned for the faithful performance of their duties under this act, take and subscribe an oath or affirmation, similar to that provided in the

case of other officers of said city, to be filed with the clerk of the common council of said city.

Removal from office.

SEC. 12. Any member of said board of water commissioners may at any time be removed from office for cause, by the common council of said city, in the manner provided for the removal of other officers of said city.

Power and authority to purchase lands, etc.

SEC. 13. Said commissioners shall have power and authority to purchase land for their use, and to locate and construct said water-works on any part thereof, to build docks, cribs, buildings, reservoirs, aqueducts, or conductors, and to lay pipes, and maintain hydrants on any land or territory so purchased, outside the limits of the said city of East Saginaw, as may be necessary to carry out the purposes and intent of this act, and to exercise jurisdiction, authority, and ownership to and over the same, as if such property or buildings were situate within the corporate limits of the said city of East Saginaw; and all property so acquired and used by said board of water commissioners, for the purposes specified in this act, shall be exempt from all taxation, whether situate within the limits of the city of East Saginaw, or in any village or township contiguous thereto, so long as used by said board solely for the purposes specified in this act.

Property exempt from taxation.

Power to contract with trustees of other cities, etc., relative to laying of pipes, etc.

SEC. 14. Said board of water commissioners are hereby fully authorized and empowered to make agreements or contracts with the board of trustees of the village of South Saginaw, or any other city or village adjoining or contiguous to said city of East Saginaw, for locating, laying, and running water-pipes into and through the streets of such village or city, for erecting and maintaining all necessary works, hydrants, or other appliances, for supplying such village or city, and the inhabitants thereof, with water for public and private use, and receive pay or compensation therefor; and in case such agreement or contract is made, all the provisions of this act, relative to the assessment and collection of water-rates, as made by said board,

When provisions relative to water rates to apply to other cities and villages.

shall apply to, and be in force in such village or city so far as

common council to raise said amount by a special tax, in the same manner as general taxes, to be designated a water tax; and the said amount shall be paid over to said board by the treasurer of said city weekly, as collections are made.

SEC. 25. Whenever any rate or tax levied or assessed by said board, shall be against a non-resident of said city, or shall for any cause become a lien upon any lot or parcel of land in said city, and remain unpaid in whole or in part on the first day of May in any year, the board shall cause a statement or list of all such taxes or sums to be made out, on or before the first day of June in each year, and shall certify the same to the city assessor; and said assessor shall place the taxes or sums so due upon the next city tax roll against the proper persons and lots or descriptions of real estate on said roll, with interest at the rate of ten per cent per annum, from the time the said tax or sums became due, to the first day of August next thereafter; and adding the whole sum to the amount of the general water tax on such annual tax roll, and include the same in the warrant or order to the city treasurer, and the city treasurer shall collect the same as provided in the case of other city taxes.

SEC. 26. No one of the said commissioners shall be interested, either directly or indirectly, in any contract entered into by them with any other person or persons; nor shall they be interested, either directly or indirectly, in the purchase of any material to be used or applied in and about the uses and purposes contemplated by this act.

SEC. 27. All moneys, lands, lots, docks, buildings, machinery, pipes, logs, hydrants, and all fixtures whatsoever, purchased, designed, or used for the present water-works of the said city of East Saginaw, are hereby conveyed to and vested in said board of commissioners, who shall have full power to continue, perfect, regulate, protect, and control the same; and all the authority, rights, and powers, heretofore exercised and had by said city over said works, are hereby continued to and vested in said board of commissioners.

SEC. 28. The said commissioners are hereby invested with

Proceedings relative to taking lands for public use.

SEC. 17. In case it shall be necessary to take or appropriate any lands for public use by said board, within the limits of the city of East Saginaw, the same shall be taken, and the same proceedings shall be had as is provided in title six of "An act to incorporate the city of East Saginaw," approved February fourteen, eighteen hundred and fifty-nine, and the acts amendatory thereto; and in case it shall be necessary to take any lands for public use by the said board, situate within the limits of the said village of South Saginaw, or any other village, the same shall be taken, and the same proceedings had as is provided in section twenty-seven of "An act to provide for the incorporation of villages," approved February seventeen, eighteen hundred and fifty-seven; and when so taken such lands shall become the property of said board for the purposes prescribed in this act.

Materials exempt from execution.

SEC. 18. All materials procured or partly procured under a contract with said commissioners shall be exempt from execution, but it shall be the duty of the commissioners to pay the money due for such material to the judgment creditor of the contractor, under whose execution such material might otherwise have been sold, upon his producing to them due proof that his execution would have so attached, and such payment shall be held a valid payment on the contract.

Misdemeanor to injure property, or pollute the water.

SEC. 19. If any person shall willfully do, or cause to be done, any act whereby any work, materials, or property whatsoever, erected or used within the city of East Saginaw, or elsewhere, by the said commissioners, or by any person acting under their authority, for the purpose of procuring or keeping a supply of water, shall in any manner be injured, or shall willfully pollute the water, shall be deemed guilty of misdemeanor, and, upon conviction, shall be punished therefor as other misdemeanors are punished.

Penalty for certain offenses.

SEC. 20. If any person shall, without the authority of said commissioners, as delegated through them or their agents, perforate or bore, or cause to be perforated or bored, any dis-

tributing pipe, or main, lateral, or log, belonging to the water works of said city, or make or cause to be made, any connection or communication whatever with the said pipes or logs, or break, or in any way injure the same, every person so offending shall, for each offense, forfeit a sum not exceeding one hundred dollars, and costs of prosecution, to be recovered in the recorder's court of said city, or other court of competent jurisdiction, or may be imprisoned in the county jail of Saginaw county not more than three months, in the discretion of the court.

SEC. 21. Said commissioners are authorized to lay water pipes and connections in, along, or across the Tittabawassee, ^{Power to lay pipes and erect fixtures along and across certain rivers.} Cass, and Saginaw rivers, or other navigable waters, as may be necessary, and to erect and maintain proper and suitable cribs, pens, man-holes, or other structures necessary to use, protect, and maintain such water works, without causing any permanent or unnecessary hindrance to the free navigation of such rivers or waters; and any person or party who shall negligently or willfully cause damage to be done to such pipes, cribs, pens, ^{Penalty for damaging pipes, etc.} man-holes, docks, or other property of said board or water works, or remove or destroy any mark or buoy placed upon or over the same, or deface or improperly use the same, by running any tugs, vessel, steamer, raft, or obstruction upon the same, or by the improper use or dragging of anchors, or in any other manner willfully injuring the same, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished therefor, as hereinbefore provided.

SEC. 22. Said commissioners shall have the custody and control of all money, revenues, accounts, and bonds belonging to the board of water commissioners, and deposit the same as ^{Commissioners to have control of money, etc.} they deem for the best interest of the city, except as herein-after provided. They may appoint one of their number as ^{May appoint treasurer.} treasurer, and such treasurer shall give such bonds as the board may require, which bond shall be approved by the mayor of said city, and such treasurer shall pay out the moneys in

his hands belonging to the board as it shall order, and be subject to such rules and by-laws as the board may from time to time adopt.

Investment of surplus funds.

SEC. 23. Whenever the receipts of said board from water rates, or other sources, shall accumulate so that there shall be a surplus, amounting to a sum of not less than one thousand dollars, not needed for the payment of the current expenses, or the extension of said works, it shall be the duty of the commissioners, together with the mayor of said city, who shall be associated with them for that purpose, to invest the same in some safe stocks, or upon real estate. Such investment shall be made in the name of said board of water commissioners, and in such manner as to make the same available for the payment of interest and principal of the bonds issued as aforesaid,

To be made in name of board.

Payment of interest and principal on bonds. as soon as may be. It shall be the duty of said commissioners to pay the interest on such bonds, and as fast as such surplus fund will permit; also the principal, as the bonds become due, as funds for such purpose shall from time to time accumulate.

Purchase of bonds.

The said commissioners may, when they have funds for that purpose, purchase the bonds so issued as aforesaid, whether the same have become due or not; and in case the said commissioners shall at any time not have funds on hand sufficient to meet any of the said bonds at the time when they shall become due, they shall have the right to issue new bonds for such amount as they shall deem expedient, in the place of bonds so becoming due as aforesaid; the said old bonds to be

When new bonds may be issued.

Old bonds to be canceled. canceled in the registry thereof, and the said new bonds to be recorded in the manner hereinbefore provided.

Commissioners to make special report of amount needed to pay interest and principal on bonds.

SEC. 24. It shall be the duty of said commissioners, at least ten days before the time fixed by the charter or ordinances of said city for assessing city taxes, to make a special report to the common council of said city, what, if any, sum will be needed by said commissioners, over and above the revenue of said board, to meet the payment of interest or principal of the bonds issued as aforesaid; and it shall be the duty of the

common council to raise said amount by a special tax, in the same manner as general taxes, to be designated a water tax; and the said amount shall be paid over to said board by the treasurer of said city weekly, as collections are made.

SEC. 25. Whenever any rate or tax levied or assessed by said board, shall be against a non-resident of said city, or shall for any cause become a lien upon any lot or parcel of land in said city, and remain unpaid in whole or in part on the first day of May in any year, the board shall cause a statement or list of all such taxes or sums to be made out, on or before the first day of June in each year, and shall certify the same to the city assessor; and said assessor shall place the taxes or sums so due upon the next city tax roll against the proper persons and lots or descriptions of real estate on said roll, with interest at the rate of ten per cent per annum, from the time the said tax or sums became due, to the first day of August next thereafter; and adding the whole sum to the amount of the general water tax on such annual tax roll, and include the same in the warrant or order to the city treasurer, and the city treasurer shall collect the same as provided in the case of other city taxes.

SEC. 26. No one of the said commissioners shall be interested, either directly or indirectly, in any contract entered into by them with any other person or persons; nor shall they be interested, either directly or indirectly, in the purchase of any material to be used or applied in and about the uses and purposes contemplated by this act.

SEC. 27. All moneys, lands, lots, docks, buildings, machinery, pipes, logs, hydrants, and all fixtures whatsoever, purchased, designed, or used for the present water-works of the said city of East Saginaw, are hereby conveyed to and vested in said board of commissioners, who shall have full power to continue, perfect, regulate, protect, and control the same; and all the authority, rights, and powers, heretofore exercised and had by said city over said works, are hereby continued to and vested in said board of commissioners.

SEC. 28. The said commissioners are hereby invested with

Power to make and enforce by-laws and ordinances. full power to make and enforce such by-laws, regulations, and ordinances as may be necessary to carry into effect the object and intent of this act, and to supply any power or mode not already specified therein, and shall cause all such by-laws, regulations, and ordinances to be entered into a book to be kept for that purpose, and signed by the president and secretary, which, when so entered and signed, shall be evidence in any court of justice. All such by-laws, regulations, and ordinances shall be published at least once in a public newspaper in said city for the information of the public, but the neglect to publish them shall not affect their validity, or the validity or regularity of any tax, regulation, or proceeding under or by virtue of any of their provisions.

Publication of same. **Unsold bonds to be canceled.** SEC. 29. All bonds issued by the common council of the city of East Saginaw for the purpose of providing water-works for said city, remaining unsold at the date of the passage of this act, shall be canceled, and all such bonds issued and sold shall be entered upon the records of said board, and the interest and principal thereof provided for, and paid as provided for the bonds authorized to be issued by said board in this act.

Further powers of board. SEC. 30. Said commissioners shall also have all such other and further powers and rights, not herein particularly granted, as are given to water boards by the general laws of this State and are not inconsistent with the provisions of this act, or the powers and rights herein granted.

This act a public act. SEC. 31. This act shall be deemed a public act, and as such, be favorably construed for the purposes contemplated and set forth, in all the courts of this State.

May be altered, amended, or repealed. SEC. 32. This act may at any time be altered, amended, or repealed.

Conflicting acts superseded. SEC. 33. All the provisions of the charter of the city of East Saginaw, and the acts amending the same, which conflict with the purposes or provisions of this act, are superseded and annulled so long as this act remains in force.

SEC. 34. This act shall take immediate effect.

Approved February 28, 1873.

[No. 299.]

AN ACT to authorize the city of Coldwater to borrow money to pay certain claims and demands due and to become due against said city.

SECTION 1. *The People of the State of Michigan enact,* That the common council of the city of Coldwater be authorized and empowered to borrow, on the faith and credit of said city, a sum of money not exceeding eight thousand dollars; four thousand dollars of which sum for a term not exceeding one year, and the remaining four thousand dollars of which sum for a term not exceeding two years, and all at a rate of interest not exceeding ten per cent per annum; and to execute the bonds of said city therefor, under the seal of said city, at such times and in such manner as the said common council shall determine; but such bonds shall not be disposed of at less than their par value.

SEC. 2. The common council of said city are authorized and required to provide for the payment of such loan in the same manner as for the ordinary debts and expenses of said city, and for that purpose are specially authorized, in the year eighteen hundred and seventy-three, to levy and collect on the taxable property of said city, a sum of money not exceeding one-half of the moneys so borrowed, with interest on the whole amount of such loan for one year, at a rate not exceeding ten per cent; and also, in the year eighteen hundred and seventy-four, a further sum not exceeding the unpaid balance of the moneys so borrowed, with interest thereon for one year, at a rate not exceeding ten per cent, which said sums, in each of said years, shall be in addition to and over and above the amount of taxes which said common council are now authorized by the charter of said city to levy and collect, on the taxable property of said city, for each of said years eighteen hundred and seventy-three and eighteen hundred and seventy-four.

SEC. 3. The money so borrowed shall be expended in paying claims and demands against said city, due and to become due,

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for building a reservoir, digging city wells, and erecting a wind-mill for raising water for said city, and for repairing the city engine house, and for the unpaid current expenses of said city, and such ordinary expenses of said city as may accrue during the year eighteen hundred and seventy-three.

SEC. 4. This act shall take immediate effect.

Approved February 28, 1873.

[No. 300.]

AN ACT to provide for the construction of a State road in the county of Newaygo.

SECTION 1. *The People of the State of Michigan enact,* That James Barton, of the county of Newaygo, be and is hereby appointed commissioner, with full power and authority to lay out, establish, and improve a State road, not more than four rods wide, commencing on the east side of the township of Everett, in said county, at or near the quarter post on the east side of section twelve, in township number thirteen north, of range twelve west, and running thence northwesterly on the most eligible route until it intersects the Muskegon and Big Rapids railroad, where said railroad passes through section five, in the said township.

SEC. 2. The said commissioner is authorized and empowered to employ a surveyor, and such assistants as may be necessary to locate, survey, and establish the line of said road; and when such line shall have been established, a full description of the route and survey thereof shall be filed by such commissioner, with the township clerk of said township of Everett; and it shall be the duty of said clerk to record the same in the book of highways of said township, and such record, description, and survey of said road, so filed and recorded, shall be *prima facie* evidence of the existence of such State road.

SEC. 3. All highway taxes, not otherwise appropriated, that shall be collected upon the legal subdivisions of non-resident lands, any portion of which lies within two miles on either side of said road, for the period of five years from the passage of this act, shall be and the same are appropriated for the improvement of said road, and the payment of the expenses necessarily incurred in laying out and establishing the same; and it shall be the duty of said commissioner to expend the same for the purpose aforesaid, from time to time, as it shall be collected, and to direct and determine the manner in which the same shall be done; but all moneys hereby appropriated shall be expended in the township or townships where the same are raised.

SEC. 4. It shall be the duty of the county treasurer of said county, and any overseer of highways, or the township treasurer of said township of Everett, to retain in their hands all such sums of money as may be received by them for non-resident highway taxes assessed or collected within the time aforesaid, on any of the lands hereinbefore mentioned, and to pay the same only upon the order of the said commissioner or his successor.

SEC. 5. It shall be the duty of said commissioner to render to the board of supervisors of said county, at their annual session in each year, and at such other times as said board may require, a full and true account of all moneys drawn by him to be applied on said road, the amount drawn from each officer, and the manner in which the same has been applied.

SEC. 6. The said commissioner, before entering upon the duties of his office, shall take and subscribe the constitutional oath of office, and shall execute a bond to the people of this State in the penal sum of two thousand dollars, with such sureties as the treasurer of said county shall approve, conditioned that such commissioner will faithfully discharge the duties of said office, and expend all moneys received by him for the benefit of said road, as directed by this act, which bond

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and oath shall be filed with the treasurer of said county ; he shall receive for his services, while engaged in the discharge of his official duties as commissioner, two dollars per day, which shall be audited by the board of supervisors of said county, and paid out of the fund created by this act.

Sec. 7. Any vacancy in the office of commissioner, under this act, may be filled by the board of supervisors of said county, and any commissioner appointed by said board of supervisors, shall be subject to and perform all the requirements of this act.

Sec. 8. Any person, feeling himself aggrieved by the laying out or the opening of said road, may have his damages appraised, in the same manner and under the restrictions made and provided relative to township roads ; and the amount so awarded shall be paid by the commissioner appointed in this act, out of any moneys in his hands appropriated for the construction of said road.

Sec. 9. This act shall take immediate effect.

Approved March 7, 1873.

[No. 301.]

AN ACT to detach certain territory from the present township of Torch Lake, in the counties of Otsego and Antrim, and organize the same into a separate township by the name of Central Lake.

SECTION 1. *The People of the State of Michigan enact*, That townships numbered thirty-one north, of ranges five, six, seven and that portion of eight west lying east of Torch Lake, in Antrim county, be and the same are hereby detached from the present township of Torch Lake, in the counties of Otsego and Antrim, and organized into a separate township by the name of Central Lake.

SEC. 2. The first election in said township of Central Lake shall be held at the school-house on section twenty-seven, in

town thirty-one north, of range eight west, on the first Monday of April, eighteen hundred and seventy-three, which said election shall be conducted according to the statutes in such cases made and provided; and John Acker, Daniel Blakely, and Lyman S. Russell are hereby constituted and appointed inspectors of said election.

SEC. 3. If for any reason the township meeting in said town-^{or failure to hold township meeting at time named.} ship of Central Lake should not be held at the time named, it shall be lawful to hold the same on any day thereafter, by giving at least fifteen days' notice of the time and place of holding such meeting, by posting notices thereof in four of the most public places in said township, which the said board of inspectors are hereby authorized and required to do.

SEC. 4. If for any cause all or either of the inspectors hereby appointed shall neglect or be unable to attend said board ^{or failure of inspectors to attend.} at the time specified, it shall be lawful for the electors present, of said township, to choose from the electors present suitable persons to act as inspectors of said election.

SEC. 5. This act shall take immediate effect.

Approved March 7, 1873.

[No. 302.]

AN ACT to authorize the board of water commissioners of the city of Detroit to borrow money for the purpose of extending and improving the water-works of said city.

SECTION 1. *The People of the State of Michigan enact,* That the board of water commissioners of the city of Detroit shall ^{Water commissioners authorized to borrow money.} have power to borrow, upon the best terms they can make, and for such time as they shall deem expedient, a sum of money not exceeding one million dollars, upon the credit of said city of Detroit, and shall have authority to issue bonds, ^{May issue bonds.} pledging the faith and credit of said city for the payment of the principal and interest of said bonds; which bonds shall

issue under the seal of said board of commissioners, and shall be signed by them, or a majority of them, and bearing interest not exceeding seven per cent per annum ; and it shall be the duty of said commissioners to cause to be kept an accurate register of all bonds issued by them, showing the number, date, and amount of each bond, and to whom the same

Shall keep register of bonds.

was issued ; and it shall also be their duty to cause to be furnished to the controller of said city a copy of such register as soon as the same is made, which shall be preserved by said controller, and copied into the records of said city ; and the said sum of money shall be expended by said commissioners solely for the purpose of extending and improving the water-works of the city of Detroit: *Provided*, That the said board of commissioners shall not contract said loan until they are authorized and empowered so to do by the common council of the city of Detroit.

Shall furnish controller with copy of register.

Proviso.

New bonds may be issued.

SEC. 2. If the said commissioners shall, at any time, not have funds on hand sufficient to meet any of the said bonds at the time when they shall become due, they shall have the right to issue new bonds for such amount, and on such time, as they shall deem expedient, in the place of the bonds so becoming due as aforesaid, or such part thereof as said commissioners shall be unable then to pay ; the said old bonds so taken up shall be cancelled and such cancellation recorded, or otherwise indicated in the registry thereof, and the said new bonds shall be recorded in the manner hereinbefore provided. It

Money for payment of bonds and interest, how raised.

shall be the duty of the common council, and said council is hereby empowered, to cause to be levied and assessed annually, upon the taxable property in said city, the sum of seventy-five thousand dollars, the same to be included in each annual tax assessment levied on said city, and the same shall not require or be conditioned upon the vote of the freemen of said city.

How collected and appropriated.

The said sum shall be collected the same as other general taxes, and shall, from time to time, as received, be paid over to said board by the treasurer of said city ; and the moneys so

paid over by said treasurer to said board shall be used and appropriated by said board, first, in payment of the interest of the said bonds; second, if there be any surplus, after payment of the interest accruing during the year, said moneys shall be paid into and form part of the sinking fund of said board, and used and appropriated to the payment of said bonds when due, or to the purchase of the same, or of any other of the bonds heretofore issued by said board, as the said board may, from time to time, think expedient.

SEC. 3. This act shall take immediate effect.

Approved March 8, 1873.

[No. 303.]

AN ACT to organize the township of Otsego Lake, in the unorganized county of Otsego.

SECTION 1. *The People of the State of Michigan enact,* That the unorganized county of Otsego, consisting of surveyed townships numbered twenty-nine, thirty, and thirty-one north, of ranges one, two, three, and four west, and townships numbered thirty-two north, of ranges one, two, and three west, be and the same is hereby detached from the present townships to which any of said territory may now belong, and organized into a separate township by the name of Otsego Lake.

SEC. 2. The first election in said township shall be held at the house of J. M. Groat, in the village of Otsego Lake, on the first Monday of April, eighteen hundred and seventy-three; which said election shall be conducted according to the statutes in such cases made and provided; and J. M. Groat, E. C. Morse, and Adam Assel are hereby constituted and appointed inspectors of said election.

SEC. 3. If, for any reason, the township meeting in said township should not be held at the time named, it shall be lawful to hold the same on any day thereafter, by giving at

of failure to hold township meeting at time named.

least fifteen days' notice of the time and place of holding such meeting, by posting notices thereof in four of the most public places in said township; which the said board of inspectors are hereby authorized and required to do.

*Of failure of
inspectors
to attend
board.* SEC. 4. If, for any cause, all or either of the inspectors hereby appointed shall neglect or be unable to attend said board at the time specified, it shall be lawful for the electors present, of said township, to choose from the electors present, suitable persons to act as inspectors of said election.

SEC. 5. This act shall take immediate effect.

Approved March 14, 1873.

[No. 304.]

AN ACT to authorize the Saginaw and Genesee plank road company to discontinue certain portions of their road.

*Authorized
to release
and convey
portion of
road to East
Saginaw.* SECTION 1. *The People of the State of Michigan enact,* That hereby authorized and empowered to release and convey to the corporate authorities of the city of East Saginaw, all their rights, privileges, and franchises over, upon, and to all that portion of their plank road lying within the limits of the city of East Saginaw, by deed or otherwise, for the use of said city as a public street or highway, and the said corporate authorities of the city of East Saginaw are authorized to receive such release or conveyance, and use, hold, and control the roadway of said plank road company for the purposes of a public street or highway, and to improve the same as provided in the charter of said city, for the use, control, and improvement of public streets and roads therein.

*Authorized
to discon-
tinue certain
portion of
road.* SEC. 2. The said Saginaw and Genesee plank road company are hereby authorized and empowered to discontinue, surrender, and abandon so much of their said plank road as was

laid upon, along, and over any public road or highway from a point where the east and west section line road intersects said plank road on the section line between sections twenty-three (23) and twenty-six (26), in town eleven (11) north, range five (5) east, to and including all that portion of said road situate within the corporate limits of the city of Flint; and such discontinuance, surrender, and abandonment shall restore the control and maintenance of said road to the several townships and cities through which said road passes, and the same shall continue to be a public highway, to be used, controlled, and maintained by the proper township or city authorities, as provided by the highway laws of this State.

SEC. 3. This act shall take immediate effect.

Approved March 14, 1873.

[No. 305.]

AN ACT to amend section one of act two hundred and sixteen of the session laws of eighteen hundred and sixty-seven, entitled "An act to replat a portion of the village of St. Louis, and to authorize the recording of the same."

SECTION 1. *The People of the State of Michigan enact*, That ^{Section amended.} section one of act number two hundred and sixteen of the session laws of eighteen hundred and sixty-seven, entitled "An act to replat a portion of the village of St. Louis, and to authorize the recording of the same," approved January thirty-first, eighteen hundred and sixty-seven, be amended so as to read as follows:

SEC. 1. The portion of the village plat of the village of St. Louis, in the county of Gratiot, on the south half of the ^{Alteration and amendment of plat.} northeast quarter of section number twenty-five, in the township number twelve north, of range number three west, as surveyed and platted in the year of our Lord one thousand eight hundred and fifty-nine, and recorded in the register's office of Gratiot county, and replatted in eighteen hundred and sixty-

seven, by an act of the legislature, and recorded in the register's office of said county, March twenty-fifth, eighteen hundred and sixty-seven, be and the same is hereby further altered and amended so as to conform to a recent plat made by the present proprietors of that portion of said village of St. Louis lying east of Maple street, as appears by the present recorded plat.

SEC. 2. This act shall take immediate effect.

Approved March 14, 1873.

[No. 306.]

AN ACT to organize the township of Wilson, in the county of Kalkaska.

Township of Wilson organized.

SECTION 1. *The People of the State of Michigan enact*, That township number twenty-seven north, of range eight west, in the county of Kalkaska, be and the same is hereby organized into a separate township by the name of Wilson.

First election.

SEC. 2. The first election in said township shall be held at the house of William Huff, on the first Monday of April, eighteen hundred and seventy-three; which said election shall be conducted according to the statutes in such cases made and provided; and Asa D. Fessenden, William Huff, and Empire Stites are hereby constituted and appointed inspectors of said election.

Of failure to hold township meeting at time named.

SEC. 3. If, for any reason, the township meeting should not be held at the time named, it shall be lawful to hold the same on any day thereafter, by giving at least ten days' notice of the time and place of holding such meeting by posting notices thereof in four of the most public places in said township, which the board of inspectors are hereby authorized and required to do.

SEC. 4. This act shall take immediate effect.

Approved March 14, 1873.

[No. 307.]

AN ACT to authorize the consolidation of the Young Men's Association of East Saginaw, and the Ladies' Library Association of East Saginaw, into one corporation, to be called the Library Association of East Saginaw, Mich.

SECTION 1. *The People of the State of Michigan enact,* That the Young Men's Association of East Saginaw and the Ladies' Library Association of East Saginaw may become consolidated into a single corporation, which may be done by the vote or resolution of a majority of the board of directors of each association, copies of which vote or resolution, signed by the presiding officer and secretary of each society, and verified by their affidavits, shall be filed in the office of the Secretary of State, and also in the office of the county clerk of Saginaw county; and, upon such filing and agreement entered into, said corporations shall become one corporation under this act, to be called and known as the Library Association of East Saginaw, and shall be entitled to all the property, rights, franchises, and privileges of each corporation, under the original acts by which they were formed.

SEC. 2. Such agreement shall contain: *First*, The terms and conditions of such consolidation, and the disposition of the corporate property of each; *Second*, The place where the office for the transaction of business is located, and the period for which it is incorporated, not exceeding thirty years; *Third*, The objects for which it is organized, which shall not be inconsistent with the original act under which said societies were incorporated: *Provided, however*, That for the purposes of paying and enforcing the payment of its debts and liabilities, and the protection of all the rights of creditors and claimants, the members and the property of each such association shall be subject to the same remedies as if such consolidation had not taken place.

SEC. 3. This act shall take immediate effect.

Approved March 14, 1873.

[No. 308.]

AN ACT to change the name of the township of Quilna, in Missaukee county, to Caldwell.

Name changed. **SECTION 1.** *The People of the State of Michigan enact,* That the name of the township of Quilna, in Missaukee county, be and the same is hereby changed to that of Caldwell.

Debts, etc., to remain binding against township of Caldwell. **SEC. 2.** All debts, liabilities, rights, privileges, and immunities of every nature, incurred by said township of Quilna, by or with any persons or corporations, shall remain as binding and valid against said township of Caldwell, as they would have been had the same not been changed.

SEC. 3. This act shall take immediate effect.

Approved March 14, 1873.

[No. 309.]

AN ACT to legalize the assessment roll of the township of Clam Union, in Missaukee county, for the year eighteen hundred and seventy-two.

Assessment roll declared legal. **SECTION 1.** *The People of the State of Michigan enact,* That the assessment roll of the township of Clam Union, in the county of Missaukee, for the year eighteen hundred and seventy-two, be and the same is hereby declared to be as legal and valid as though the non-resident lands had been assessed within the time prescribed by law.

SEC. 2. This act shall take immediate effect.

Approved March 14, 1873.

[No. 310.]

AN ACT to change the name of the village plat of Wakazoville, in Leelanaw county, to Northport.

Name changed. **SECTION 1.** *The People of the State of Michigan enact,* That the name of the village plat of Wakazoville, in Leelanaw

county, be and the same is hereby changed to that of North-port.

SEC. 2. This act shall take immediate effect.

Approved March 14, 1873.

[No. 311.]

AN ACT to authorize the commissioners of highways of the township of Farmington, in the county of Oakland, to procure a re-survey of the roads and public highways of said township, to supply the loss of the original record thereof, heretofore destroyed by fire.

SECTION 1. *The People of the State of Michigan enact*, That the commissioners of highways of the township of Farmington, in the county of Oakland, be and they are hereby authorized and empowered to procure a re-survey to be made of the public highways of said township, to supply the loss of the original record thereof, heretofore destroyed by fire, and that when such survey shall be completed, it shall be recorded in a book procured for that purpose by the township clerk of said township, and such record shall be competent evidence, and have the same force and effect as if the same was the original survey thereof.

SEC. 2. The survey of each road or public highway, when made, shall be certified by said highway commissioners, or by a majority of them, and when so made and certified, shall be delivered to the township clerk of said township, and shall be by him recorded in the book to be provided and kept for that purpose.

SEC. 3. The expense of procuring such re-survey to be made and recorded, shall be paid by a tax to be raised in the said township for that purpose.

SEC. 4. This act shall take immediate effect.

Approved March 14, 1873.

[No. 312.]

AN ACT to change the name of the township of Round Lake, in the county of Kalkaska, to Clearwater.

Name changed.

SECTION 1. *The People of the State of Michigan enact*, That the name of the township of Round Lake, in the county of Kalkaska, be and the same is hereby changed to that of Clearwater.

Debts, liabilities, credits, etc., of Round Lake to become those of Clearwater.

SEC. 2. All debts, liabilities, rights, privileges, and immunities of every nature incurred by said township of Round Lake by or with any persons or corporations shall remain as binding and valid against said township of Clearwater as they would have been had the name not been changed; and all debts, liabilities, rights, and immunities of every nature, due or belonging to said township of Round Lake, shall belong to the said township of Clearwater, and may be sued for and collected by said township of Clearwater.

SEC. 3. This act shall take immediate effect.

Approved March 14, 1873.

[No. 313.]

AN ACT to change the name of the township of Kaska, in the county of Kalkaska, to Springfield.

Name changed.

SECTION 1. *The People of the State of Michigan enact*, That the name of the township of Kaska, in the county of Kalkaska, be and the same is hereby changed to that of Springfield.

Debts, liabilities, credits, etc., of Kaska township to become those of Springfield.

SEC. 2. All debts, liabilities, rights, privileges, and immunities of every nature incurred by said township of Kaska by or with any persons or corporations shall remain as binding and valid against said township of Springfield as they would have been had the name not been changed; and all debts, liabilities, rights, and immunities of every nature due or belonging to said township of Kaska, shall belong to the said township

of Springfield, and may be sued for and collected by said township of Springfield.

SEC. 3. This act shall take immediate effect.

Approved March 14, 1873.

[No. 314.]

AN ACT to discontinue that portion of a certain State road known as the "Grand Rapids and Greenville State Road," running across the southwest quarter of section twenty-two, in township number nine north, of range number ten west.

SECTION 1. *The People of the State of Michigan enact,* That ^{Portion of State road discontinued} that portion of a certain State road, known as the "Grand Rapids and Greenville State Road," running across the southwest quarter of section twenty-two, in township number nine north, of range number ten west, be and the same is hereby taken up and discontinued.

SEC. 2. This act shall take immediate effect.

Approved March 18, 1873.

[No. 315.]

AN ACT to change the name of the First Methodist Episcopal Church Society in the city of Grand Rapids.

SECTION 1. *The People of the State of Michigan enact,* That ^{Name changed.} the corporate name of the "First Methodist Episcopal Church Society in the city of Grand Rapids" be, and the same is hereby changed, and that hereafter the name of said society shall be the "Division Street Methodist Episcopal Church of the city of Grand Rapids."

SEC. 2. The said society, under and by the name of the Division Street Methodist Episcopal Church of the city of Grand Rapids, shall be entitled to the same rights and subject to the ^{Rights, etc., of society under new name.}

same liabilities as though the said name had remained unchanged.

SEC. 3. This act shall take immediate effect.

Approved March 18, 1873.

[No. 316.]

AN ACT to authorize the "Grand Rapids Orphan Asylum" to convey and transfer its property and concerns to the "Union Benevolent Association," of Grand Rapids.

Conveyance authorized. SECTION 1. *The People of the State of Michigan enact,* That the "Grand Rapids Orphan Asylum," of Grand Rapids, Kent county, Michigan, be and is hereby authorized and empowered to convey and transfer its real and personal property, and its records and concerns, to the "Union Benevolent Association," of Grand Rapids, Michigan, by an instrument in writing, executed and acknowledged by the trustees of said "Grand Rapids Orphan Asylum," in the manner required for the conveyance of real estate. When said instrument is executed and delivered, said "Union Benevolent Association" shall signify thereon in writing, signed by its trustees, its acceptance thereof.

Instrument and acceptance to be recorded. SEC. 2. Said instrument and written acceptance shall be recorded in [the] office of the register of deeds of Kent county, Michigan; and, thereupon, all the real and personal property, rights, records, and concerns of said "Grand Rapids Orphan Asylum," conveyed by said instrument, shall vest in the said "Union Benevolent Association," and be by it held, used, and employed within the object of its organization: *Provided only,* That the property so conveyed shall be liable for all debts, if any, of the said "Grand Rapids Orphan Asylum," existing at the date of such conveyance.

SEC. 3. This act shall take immediate effect.

Approved March 18, 1873.

[No 317.]

AN ACT to organize the township of Tilden, in the county of Marquette.

SECTION 1. *The People of the State of Michigan enact, That* ^{Township of Tilden organized.} **sections thirteer and fourteen, the south half of the north half and the south half of section fifteen, the south half of sections nineteen and twenty, the whole of sections twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, and thirty-six, in township forty-seven north, of range twenty-seven west, sections twenty-four, twenty-five, and thirty-six in township forty-seven north, of range twenty-eight west, and the south half of section eighteen, and the north half and the south-west quarter of section nineteen, in town forty-seven north, of range twenty-six west, and townships forty-two, forty-three, forty-four, forty-five, and forty-six north, of range twenty-seven west, be and the same is hereby organized into a separate township by the name of the township of Tilden.**

SEC. 2. The first township meeting in said township shall ^{First meeting.} be held at the office of Ebenezer Rowland, situated on said section twenty-three, and Ebenezer Rowland, Timothy Nolan, and Peter Miller are hereby authorized to act as inspectors of election at the first township meeting to be held in said township. The first township meeting shall be held on the first Monday of April, in the year of our Lord one thousand eight hundred and seventy-three; but if such meeting cannot be at that time, or if for any cause such meeting is not, then held, said township shall not be dissolved by reason thereof, but said inspectors of election, or a majority of them, may call a special township meeting for the election of township officers, to be held at the above-named office, at any time within one year thereafter, by posting up three written notices in three public places in said township for at least ten days before the holding of such township meeting, setting forth the time and place

Proviso. where such township meeting is to be held: *Provided*, In case said inspectors shall for any cause fail or neglect, for a period of thirty days, to call such meeting, then any three electors of such township may call the same by giving the above required notice.

SEC. 3. This act shall take immediate effect.

Approved March 18, 1873.

[No. 318.]

AN ACT to organize the township of Bloomfield, in the county of Huron.

Township of Bloomfield organized. SECTION 1. *The People of the State of Michigan enact*, That all that territory lying in the county of Huron and State of Michigan, designated as the township numbered seventeen (17) north, of range number fourteen (14) east, be and the same is hereby organized into a separate township by the name of Bloomfield.

First election. SEC. 2. The first township meeting in said township of Bloomfield shall be held on the first Monday of April next, at the house of Warren J. Snyder, in said township, and Warren J. Snyder, William Thompson, and Henry B. Gillard are hereby made and constituted a board of inspectors for said township election.

Of failure to hold election at specified time. SEC. 3. If, for any reason, the township election shall not be held in the township named in this act at the time named for holding the same, it shall and may be lawful to hold the same at any time thereafter, by giving at least ten days' notice of the time and place of holding such meeting, by posting notice thereof in four of the most public places in said township, which the said board of inspectors for said township, or a majority of them, are hereby authorized to do.

In case inspectors fail to be present. SEC. 4. If, for any reason, all or either of the inspectors hereby appointed shall neglect, or shall be unable to attend said board at the time specified, it shall be lawful for the elect-

ors of said township to choose from the electors present suitable persons to act as inspectors of said election.

SEC. 5. This act shall take immediate effect.

Approved March 18, 1873.

[No. 319.]

AN ACT to organize the township of Fife Lake, in the county of Grand Traverse.

SECTION 1. *The People of the State of Michigan enact,* That Boundaries. township number twenty-five north, of range number nine west, and the south half of township number twenty-six north, of range number nine west, in the county of Grand Traverse, be and the same is hereby organized into a separate township by the name of Fife Lake.

SEC. 2. The first election in said township shall be held at First election, when and where held. the hall of C. C. Baily, on the first Monday of April, eighteen hundred and seventy-three, which said election shall be conducted according to the statutes in such cases made and provided; and James Montieh, R. R. Thurber, and John D. Inspectors of election. Johnson, are hereby constituted and appointed inspectors of said election.

SEC. 3. If for any reason the township meeting should of failure to hold election at specified time. not be held at the time named, it shall be lawful to hold the same on any day thereafter, by giving at least ten days' notice of the time and place of holding such meeting, by posting notices thereof in four of the most public places in said township, which the board of inspectors are hereby authorized and required to do.

SEC. 4. This act shall take immediate effect.

Approved March 21, 1873.

[No. 320.]

AN ACT to legalize the action of the board of supervisors of the county of Kent authorizing the construction of a dam across Grand river at Grand Rapids, and to legalize the dam constructed at that point.

Action of
board legal-
ized.

SECTION 1. *The People of the State of Michigan enact*, That the authority and permission granted by the board of supervisors of the county of Kent to Eliphalet Turner, in June, in the year of our Lord one thousand eight hundred and fifty-three, to construct a dam across Grand river at Grand Rapids, commencing at or near the waste or bulkhead of the canal on the east side of the river, and thence west across said river at a point on the west side of the river opposite the house of Silas Hall, is hereby declared as legal and valid to all intents and for all purposes, as if all the requirements and conditions of the law had been observed and complied with by the petitioner for the construction of said dam and by said board; and the dam erected across Grand river at that point by William T. Powers, Martin L. Sweet, James M. Barnett, Julius Berkey, William A. Berkey, Elias Matter, John E. Earle, Justus E. Earle, C. W. Hathaway, James D. Lyon, W. C. Brooks, E. Skinner, E. F. Ward, John B. Moon, John Mangold, William Harrison, Reuben Wheeler, E. D. Walters, G. S. Deane, John W. Squier, Daniel H. Waters, Adolph Leitelt, Edward Leitelt, R. E. Butterworth, J. V. Turnham, G. M. Huntley, C. P. Calkins, C. C. Comstock, H. R. Naysmith, I. H. Nichols, A. P. Collar, C. O. Budington, Jacob Kusterer, Susan Boyer, and Fred F. Perkins, is hereby legalized; and said persons, their successors, heirs, and assigns, are hereby authorized to maintain said dam at said point.

Power and
authority of
board.

SEC. 2. The board of supervisors for the county of Kent shall have full power and authority at any time or times hereafter to designate and direct any alterations in the chute of said dam as they shall deem proper, for the passage of lumber, logs, and other floatables over said dam: *Provided*, This act

shall not be so construed that the Legislature shall not have ^{Proviso.} power to authorize the establishment of some means for the passage of fish over the dam, or up the stream of Grand river: *Provided further,* That this act shall not be so construed as ^{Further proviso.} to cut off or bar any right of action already accrued against the owners of said dam by reason of the existence thereof.

Sec. 3. This act shall take immediate effect.

Approved March 22, 1873.

[No. 321.]

AN ACT to authorize a board of Public Works in and for the city of Grand Rapids.

SECTION 1. *The People of the State of Michigan enact,* That ^{Board of public works.} there shall be constituted a board of public works, in and for ^{Term of office of first board.} the city of Grand Rapids, composed of five persons who shall be freeholders and qualified electors of said city, to be appointed by the mayor of said city of Grand Rapids; one to ^{Term of office of first} serve until the first Monday of May, eighteen hundred and ^{Appoint-ment of.} seventy-four, two to serve until the first Monday of May eighteen hundred and seventy-five, and two to serve until the first Monday of May, eighteen hundred and seventy-six, and until their successors are appointed and qualified; such appointment shall be in writing, signed by the mayor, reported to the common council of said city, and be recorded in its record of proceedings, and notice of such appointment shall be given by the city clerk, forthwith, to the persons so appointed. The members first composing such board shall be appointed within ten days from the time this act shall take effect, and the persons appointed and accepting membership in said board of public ^{Oath of office and organization.} works shall take the oath of office prescribed for city officers, within one week from the date of their appointment, and meet and organize the board within one week after they shall have qualified as aforesaid.

Election of officers. SEC. 2. The said board shall elect one of its number president, and one of its number executive member of said board, to act as such until their successors are appointed by said board, and in case of vacancy in either of such offices the board may appoint others. The executive member of said board

Duties and compensation of executive member of board. shall devote whatever time may be necessary to properly and efficiently superintend, carry forward, and see executed, all work in charge of or under control of said board, under the direction thereof, and shall prepare plans, specifications, estimates, and other work proposed for the consideration of said board. For his services such executive member shall receive as compensation from the city of Grand Rapids five dollars per day for such time as he shall actually devote to the duties of his office, payable monthly from the general fund of said city.

Duties and compensation of other members. The other members of said board shall be advisory members of the board, and discharge such duties and functions as appertain to the consideration and decision of questions and business before the board. They shall receive at the rate of three dollars per day for actual time while attending as members upon the sessions of said board, but for no other services or time. The executive and advisory members shall make and verify their accounts for services, charging at the rates aforesaid, for full days, and for half days at corresponding rates, and thereupon it shall be the duty of the common council to allow and order payment for such services from the general

Proviso relative to compensation of advisory members. fund of said city: *Provided*, The advisory members shall respectively receive pay for not more than one hundred days in any one year, and for no greater number of days than they shall actually serve.

Annual appointment of members. SEC. 3. Annually after the year one thousand eight hundred and seventy-three, on the first Monday of May, or within ten days thereafter, the mayor of the city of Grand Rapids shall appoint, as hereinbefore provided, to membership in said board of public works, one or more persons, as the case may require, to serve for the period of three years, and until their successors

are appointed and qualified, in place of those whose term of office will then expire. Vacancies occurring in said board ^{Vacancies.} by removal from said city, resignation, or otherwise, shall be filled for the unexpired term by the mayor's appointment.

All appointments to membership shall be made in the manner required in section one. Said board of public works ^{Power of board to make by-laws, etc.} shall have power to make all such by-laws, rules, and regulations as may be necessary or expedient for the conduct of its business and that of the executive member of the board, not inconsistent with this act. The city of Grand Rapids ^{City to provide suitable office-room, books, etc.} shall provide the board with suitable office room for its meetings and business uses, and supply record books, stationery, and other things necessary for the transaction of the public business in charge of said board. All accounts for rent, and ^{Accounts for expenses to be audited by council.} other necessary expenses incurred by said board, shall be presented to the common council, whose duty it shall be to audit the same, and order paid in like manner as other accounts against the city, on proper proof of the correctness of such accounts.

SEC. 4. Any member of said board may at any time be removed by the mayor and common council of said city, for official misconduct, or for the unfaithful or inefficient performance of the duties of his office; the proceedings in that behalf shall be entered in the record of its proceedings: *Provided*, That a copy of the charges against such member sought to be removed, and notice of the time and place of hearing the same, shall be served on him ten days at least previous to the time so assigned, and opportunity be given him to make his defense.

SEC. 5. No member of said board shall hold any elective office under the charter of said city during his continuance as member of said board, and his election to any office in said city by the people, which he shall not forthwith resign, shall be deemed a resignation of membership, and shall vacate his office in said board. No member of said board shall be per-

^{Members not to hold any elective city office.}

~~Not to be interested in certain contracts.~~ sonally interested, either directly or indirectly, in any contract for any public work in said city, under the control of said board, nor in the purchase, sale, or disposition of any material to be used or applied in or about any public work or improvement under the control of said board.

~~Power of board to establish grade lines, locate sewers, etc.~~ SEC. 6. Said board of public works is hereby empowered to determine and establish the grade lines of all streets, highways, lanes, alleys, sidewalks, and public grounds in said city, and to locate all necessary sewers, drains, culverts, vaults, arches, and bridges, wells, pumps, and reservoirs in said city; to cause to be graded, graveled, paved, planked, or covered with other materials, all such streets, highways, lanes, alleys, sidewalks, and public grounds in said city; and to construct all such main and lateral sewers, drains, culverts, vaults, arches, and bridges, wells, pumps, and reservoirs in said city, as the common council of the city of Grand Rapids shall by resolution declare to be necessary improvements. But before

~~Cost of improvements to be provided for before letting contracts.~~ any contract for such work or improvement shall be let, the cost and expense thereof, as estimated and reported by said board of public works to the common council, shall be assessed, or otherwise provided for by said common council, in the manner authorized by law:

Provided, That when any street, highway, lane, or alley has been graded, graveled, paved, planked, or covered with other materials, and the grade line thereof established, the same shall not again be changed, graded, graveled, or paved, unless declared to be a necessary improvement, by a concurrent vote of a majority of all the members elect of said common council, upon petition by a majority of all the property owners on said street, resident in said city:

Provided, That nothing in this section, or any law of this State shall prevent any given portion of any such street, highway, lane, or alley from being further improved by grading, graveling, or paving, whenever a majority of all the property owners on any such given portion of such street, highway, lane, or alley, resident in said city, shall petition therefor, and

he common council shall, by a vote of a majority of all the members elect, declare the grading, graveling, or paving of such given portion of such street, highway, lane, or alley to be necessary improvement: *And provided*, That nothing herein contained shall prevent such repairs as may be deemed necessary to keep and maintain such streets, lanes, and alleys in good condition, the cost and expense whereof shall be raised and provided or met, as the common council may order.

SEC. 7. Said board of public works shall have charge and control of the erection and construction of engine houses, city hall, and other public buildings, except school houses, in said city. In the erection of public buildings, and in the grading, graveling, paving, planking, or covering with other material any street, highway, lane, alley, or public ground, and in constructing sewers, drains, and other public works or improvements, including works for supplying said city with water, said board shall advertise for proposals to execute the work, and for materials, according to plans and specifications adopted by said board, and may contract with the lowest responsible bidder: *Provided*, Said board shall require security for the performance of proposals tendered to said board, if the bid is accepted, and security for the performance of contracts: *And provided*, It shall be at the option of the board to reject any or all bids or proposals made; and if all bids are rejected, shall thereupon re-advertise for proposals to execute the work, and for materials, as often as may be necessary, unless some responsible party will take the contract at the lowest bid previously offered, which the board may accept, if, in their judgment, for the best interest of the city.

SEC. 8. When the common council of said city decide that the construction of any public work in said city is a necessary improvement, the board of public works, with all convenient despatch, shall determine as to the particular kind and quantity of materials to be used therefor, and estimate the probable cost and expense of such work, and of the material to be

used in detail, and cause to be prepared, so far as necessary, plans and specifications for such work, and report their estimate to the common council as a basis for assessing or otherwise raising, according to law, the funds necessary to enable the board to go forward and complete such work.

Improvement of streets, construction of sewers, etc., to be under charge of board.

SEC. 9. The paving, grading, graveling, planking, or covering with other materials of all streets, highways, alleys, lanes, sidewalks, and other public places; the building and construction of all sewers, drains, culverts, arches, and bridges, wells, and reservoirs, and the erection of public buildings and works which the council shall, by resolution, declare to be necessary improvements, shall be done under the direction and supervision of the board of public works, and upon contracts and under specifications to be prepared by the executive members

Money appropriated for such purposes, how drawn and expended.

thereof, and approved by such board; and all moneys raised or appropriated by the common council for such purposes shall be expended by said board of public works for the purposes designed so far as shall be necessary, and be drawn from time to time from the appropriate fund, by order of the council, upon estimates of amounts earned or payable, to be made by the board and reported to the council; and no money shall be drawn from the city treasury, under this act, except upon the order of the common council.

City liable on contracts of board.

SEC. 10. The city of Grand Rapids, and not the board of public works, shall be liable on all contracts made by the board of public works in accordance with law. All the matters aforesaid in this act mentioned, shall be deemed public improvements, within the meaning of this act.

Office of city surveyor abolished.

SEC. 11. The office of city surveyor of the city of Grand Rapids is hereby abolished, and the board of public works is

Board may employ a surveyor.

hereby authorized to employ some suitable person as surveyor, and such assistants as necessary, who shall receive such compensation for services as is now or as may hereafter be provided by law or by the common council; but if no compensation shall be provided by the common council, the board of public

works may fix the compensation of such surveyor and assistants; or, if the compensation fixed by the common council shall, in the opinion of the board be wholly inadequate, they may increase the same, and it shall be the duty of the common council to order the surveyor and his assistants paid for all services rendered. Such surveyor shall perform such other services as may be required by the common council.

SEC. 12. The common council may, at any time, by resolution, call upon said board of public works to furnish and report a statement showing the condition, progress, and operations of any work or improvement being carried forward under, or commenced by, said board, and it shall be the duty of such board to make such report without unnecessary delay.

SEC. 13. Said board of public works is hereby authorized and empowered to cause the city of Grand Rapids and its inhabitants to be supplied with water, and to procure such supply from any source or sources within or without the limits of said city; to determine the kind and quantity of power and machinery required therefor, the pipes, conduits, and reservoirs to be used, and the manner and extent of distribution in said city. Said board may contract for constructing all necessary works, the doing of all necessary labor, and for the purchase and manufacture of all necessary material appertaining to procuring, storing in, and furnishing to said city and its inhabitants a supply of water. Said board may purchase and lease lands, water rights, and other privileges deemed necessary in effecting such supply; they may lay pipes in the streets and public grounds, lanes, and alleys of said city, and establish and erect fire-hydrants and public hydrants, jets, and fountains. Said board of public works shall establish the rates to be paid by consumers of water, and the terms and conditions upon which consumers of water, furnished by said water works, shall be entitled to be supplied: *Provided*, That, ^{Report of board.} before any contract for constructing said water works and furnishing materials therefor shall have been entered into,

the common council shall provide the means to meet the estimated cost thereof.

Board to estimate cost of water works, etc.

SEC. 14. The board of public works shall make an estimate of the cost and expense of such water works, and of the materials necessary to be used therein, and report the same to

Council to provide means to meet expense.

the common council; and thereupon it shall be the duty of the common council to provide the means or funds to meet the cost and expense of the same, according to such estimate, in the manner provided by law: *Provided*, That the existing provisions of law in reference to submitting to a vote of the electors of said city any matters involving supplying said city with water shall not be deemed to be affected by any provision of this act.

Collection of water rates.

SEC. 15. Said board shall have power to cause to be collected the water rates, all of which shall be paid into the city treasury; they shall have power to employ such collector, superintendents, engineers, and laborers as may be necessary in the collection of water rates, and in the care, management, and maintenance of such works, and to fix their compensation. They shall make needful rules and regulations for the collection of water rates, and may enforce payment by cutting off supply to the consumer, and deprive such consumer of a supply from such works until arrearages of water rates are paid, and may enforce payment by suit, in the name of the city, in any court of competent jurisdiction.

Rights and powers of board relative to the performance of contracts.

SEC. 16. Said board shall reserve the right, in all contracts, to determine finally all questions as to the proper performance of such contracts, and as to the completion of the work specified therein, and in case of the improper, dilatory, or imperfect performance thereof, to suspend the work at any time, to order the partial or entire reconstruction of the same if improperly done, or to re-let the work covered by such contract, or any unfinished portion thereof, whenever, from unreasonable delay in the work, or for other just cause, they shall deem such contract forfeited; and power is hereby given

to said board to determine all such questions arising under any such contract according to the true intent and meaning thereof.

SEC. 17. The said board, and, under its direction, their ^{Authority to make surveys and agree on damages to property.} agents, employes, and workmen, are hereby authorized to enter upon any land or water within or without the limits of said city of Grand Rapids, for the purpose of making surveys, and to agree with the owner of any property, rights, or privileges which may be required for the purpose of obtaining or conveying a supply of water to, in, or through said city, as to the amount of compensation to be paid to such owner. And in ^{Proceedings when agreement cannot be made.} case of disagreement between the board and the owner of any property, rights, or privileges, which may be required for said purpose, or affected by any operation connected therewith, as to the amount of compensation to be paid to such owner, or in case such owner shall be an infant, or insane, or absent from the State, proceedings shall be had therein as is or may be provided in the charter of the city of Grand Rapids for opening streets through improved or unimproved real estate, as near as may be, and when the amount found and reported as damage shall be paid into the city treasury by the common council, for the owners, the said board shall have the right to occupy so much of said land as is covered by the award or report, for all purposes contemplated by the proceedings, and the person in whose behalf said award is made or reported shall be entitled to draw the amount from the city treasury, upon giving receipt thereof, expressing therein that such sum is in full for all damages in the premises.

SEC. 18. If any person shall willfully do, or cause to be done, ^{Penalty for willfully polluting water, or injuring water works.} any act whereby any work, material, or property whatsoever, selected or used within the city of Grand Rapids, or elsewhere, for the purpose of procuring or keeping a supply of water for said city, shall in any manner be injured, or shall willfully pollute any water, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less

than fifty dollars, nor more than one thousand dollars, or by imprisonment for not less than thirty days, nor more than three years, or by both such fine and imprisonment, at the discretion of the court.

Idem.

SEC. 19. If any person shall, without the authority of said board of public works, as delegated through any of their agents, perforate or bore, or cause to be perforated or bored, any reservoir, distributing pipe, or main belonging to the works of said city, or make, or cause to be made, any connection or communication whatever with the said reservoir or pipes, or dig up or molest the same, every person so offending shall for such offense be subject to a fine in a sum not exceeding fifty dollars, or imprisonment not exceeding thirty days, and costs of prosecution, which suit or prosecution may be brought in the name of the city of Grand Rapids, in the recorder's court, or in any other court of competent jurisdiction.

Idem.

SEC. 20. Any willful interference by any person with any part of the water works of said city, designed to diminish or prevent a supply of water for extinguishing fires, the person so offending shall be deemed guilty of a misdemeanor, and, upon conviction before any court of competent jurisdiction, shall be punished by a fine not less than one thousand dollars nor more than five thousand dollars, or by imprisonment in the State prison of this State not less than one year nor more than five years, or by both such fine and imprisonment, in the discretion of the court.

*Contracts,
by whom
signed, etc.*

SEC. 21. All contracts made by said board of public works shall be in the name of the city of Grand Rapids, and be signed by the president and executive member of said board, after the same shall have been approved by the board. Said board of

*Prosecution
of suits by
board.*

public works is hereby authorized to commence and prosecute, in the name of said city, any suit or proceedings for the recovery of any penalty or forfeiture incurred by any person under the provisions of this act, or for damages for breach of any contract authorized to be made and entered into by said

board, or to enforce the performance of any such contract, and to enforce obedience to the provision of this act. The city attorney shall be the legal adviser of said board, and he shall perform such services as may be required of him in connection with the duties of the board.

SEC. 22. The board of public works shall keep a record of their proceedings and determination, and therein shall be shown the vote of each member voting upon every question brought before and decided by said board, which record shall at all times be open to public inspection. A majority of said board shall form a quorum for the transaction of business, but a majority of all the members shall be necessary to decide questions before the board. All bonds and contracts shall be filed and preserved in the office of the board.

SEC. 23. Said board shall, in their discretion, have power to repair, extend, and improve, the main and distributing pipes in said city, whenever means are provided for such purpose, and may also provide additional supply as the same shall be needed.

SEC. 24. In all cases when land in said city shall hereafter be subdivided into lots and blocks, or either, and into streets, alleys, or public grounds, the map or plat thereof shall be submitted to said board of public works for their approval, and no such map or plat shall be recorded or have any validity until approved by said board, and be certified, by indorsement on said map or plat, signed by the executive member thereof, of which map or plat, a copy shall be placed on file in the office of said board.

SEC. 25. Said board shall have authority to make and enforce such rules and regulations in reference to tapping or making connection with sewers, for draining lots or premises, as they may deem for the public interest; and any person tapping or making connection with any public sewer in violation of such rules and regulations, unless otherwise permitted by the board, shall be liable to a fine of twenty-five dollars and

cost of prosecution, to be recovered in the name of the city in any court of competent jurisdiction, and shall in addition be liable to the city for all damages caused by such unlawful interference.

*Relative to
injury re-
sulting from
negligence
of contract-
ors in doing
work.*

SEC. 26. If any contractor shall fail to keep up sufficient fence or protection guards to prevent damage or injury to persons or property, or shall be guilty of other negligence, in doing work under contract, and injury to persons or property shall occur by reason of such default or negligence, the contractor guilty of such default or negligence shall be liable to the person injured in person or property for the damage sustained, to be recovered with costs in the proper form of action in any court of competent jurisdiction.

*Relative to
the comple-
tion of con-
tracts here-
tofore en-
tered into.*

SEC. 27. No contract heretofore lawfully entered into by any person or persons for doing any public work in said city, shall be affected by this act, but the work may be prosecuted thereunder. It shall be the duty of the board of public works to superintend the doing of the uncompleted work under all such contracts, estimate the work done and certify the same to the common council, and also to examine and certify as to the completion of the work under contract; but the common council shall have the same powers, in reference to such contracts, whenever questions of difference arise in relation thereto, as if this act had not been passed.

*Provision
for payment
from time
to time, of
amount
earned on
contracts.*

SEC. 28. It shall be the duty of the board, from time to time, to make estimates of the amount earned and payable upon any contract for public works or materials connected therewith, and report the same to the common council; and thereupon it shall be the duty of the common council, without unreasonable delay, to order payment from the proper fund of the amount so reported.

*City clerk
to be clerk
of board;
his duties as
such.*

SEC. 29. The city clerk shall be the clerk of said board, and in person or by deputy, attend upon the sessions of, and record the business transactions of the board; keep account books, and enter therein all receipts and expenditures touching public

improvements under control of the board, and all receipts and expenditures connected with water works and water rates, and discharge such other duties appertaining to such records and accounts as the board shall require. The common council of <sup>Appoint-
ment, com-
pensation,
etc., of dep-
uti's of city
clerk.</sup> said city shall have power to appoint one or more deputies of the city clerk, and fix the compensation of any such deputy. Every person so appointed shall have power to discharge the duties devolving by any law upon the city clerk. The board <sup>Power of
board to em-
ploy agents.</sup> of public works shall have power to employ all necessary agents and employes, not otherwise provided for in this act, and fix their compensation.

SEC. 30. The common council shall have power to require <sup>Bonds to be
given by
members of
board.</sup> each of the members of the board of public works to give bond, with good and sufficient sureties, for the faithful performance of the duties of his office, and faithfully to account for and pay over to the city treasurer all moneys which shall come into his hands as a member of said board. Such bond shall run to the city of Grand Rapids, be in such penalty as the common council shall fix by resolution entered on their minutes, and be approved by the mayor. If the mayor approves <sup>Approval of
sureties by
mayor, and
filing of
bonds.</sup> the sureties, he shall indorse his approval on said bond, and it shall then be filed with the city treasurer for safe keeping. If any member of said board shall neglect or fail to give such <sup>Failure to
give bond to
be deemed
resigned
of office.</sup> approved bond within ten days after being notified of the passage of the resolution requiring such bond and fixing the penalty, he shall be deemed to have resigned and vacated his office as a member of said board, and the vacancy so created <sup>Vacancies so
created, how
filled.</sup> may be filled by appointment by the mayor, as in other cases.

SEC. 31. The board of public works may require any person employed by them to give bond to the city of Grand Rapids in such penalty, and with such sureties as said board shall fix and approve, for the faithful performance of such services and duties as may be required of them by the board, and to pay over all money which shall come into the hands of such employes.

Acts
repealed. SEC. 32. All acts and parts of acts, so far as the same are inconsistent with the provisions of this act, are hereby repealed.

SEC. 33. This act shall take immediate effect.

Approved March 22, 1873.

[No. 322.]

AN ACT to enable the village of New Baltimore, in Macomb county, to erect a school-house from moneys given or devised to the same for that purpose.

Moneys
given or de-
vised may
be accepted. SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for the village of New Baltimore, in Macomb county, to accept and receive any moneys that may have been given or devised, or that may hereafter be given or devised to said village, to be used in the erection of a school-house, and therewith to purchase a site for such school-house, and erect thereon a suitable school building.

Village may
lease school
building to
district. SECTION 2. The said village is hereby authorized and empowered to lease any school building erected as above provided, to the school district known and designated as Lake District.

Regulations
to secure the
construction
etc., of
school-
house. SECTION 3. The common council of said village are hereby authorized and empowered to make such regulations, by ordinance or otherwise, as they shall deem necessary to secure the proper construction of such school-house, and the leasing of the same as above provided for.

SEC. 4. This act shall take immediate effect.

Approved March 22, 1873.

[No. 323.]

AN ACT to provide for the construction of a State road in the county of Newaygo.

Commiss-
sioner to es-
tablish and
improve
State road. SECTION 1. *The People of the State of Michigan enact*, That John H. Simmons, of the county of Newaygo, be and is hereby appointed commissioner, with full power and authority to lay

out, establish and improve a State road, not more than four rods wide, commencing on the south side of town fifteen north, ^{Description of road.} of range fourteen west, in said county, and on the south side of section thirty-four (34) in the town and range aforesaid, and running thence northerly on the most eligible route to the southwest corner of section eleven in the town and range aforesaid.

SEC. 2. The said commissioner is authorized and empowered to employ a surveyor and such assistants as may be necessary ^{Commissioner may employ a surveyor.} to locate, survey, and establish the line of said road, and when such line shall have been established, a full description of the ^{Filing of survey.} route and survey thereof shall be filed by such commissioner with the town clerk of the town of Beaver; and it shall be ^{Record of.} the duty of said clerk to record the same in the book of highways of said township, and such record, description, and survey of said road, so filed and recorded, shall be *prima facie* evidence of the existence of such State road.

SEC. 3. All highway taxes not otherwise appropriated, that shall be collected upon the legal subdivisions of non-resident lands, any portion of which lies within two miles, on either ^{Highway taxes appropriated for improvement of said road, etc.} side of said road, for the period of five years from the passage of this act, shall be, and the same are hereby appropriated for the improvement of said road, and the payment of the expenses necessarily incurred in the laying out and establishing the same; and it shall be the duty of said commissioner to expend ^{Duty of the commissioner to direct the manner of expending the same.} the sum for the purpose aforesaid, from time to time, as it shall be collected, and to direct and determine the manner in which the same shall be done.

SEC. 4. It shall be the duty of the county treasurer of said county, and any overseer of highways, or the township treasurer of said township of Beaver, to retain in their hands all ^{Duty of treasurer, etc., receiving highway taxes.} such sums of money as may be received by them for non-resident highway taxes, assessed or collected within the time aforesaid, on any of the lands hereinbefore mentioned, and to

pay the same only upon the order of the said commissioner or his successor.

*Report of
commissioner
to board
of supervisors.*

SEC. 5. It shall be the duty of said commissioner to render to the board of supervisors of said county, at their annual session in each year, and at such other times as said board may require, a full and true account of all moneys drawn by him to be applied to said road, the amount drawn from each officer, and the manner in which the same has been applied.

*Oath of
office and
bond.*

SEC. 6. The said commissioner, before entering upon the duties of his office, shall take and subscribe the constitutional oath of office, and shall execute a bond to the people of this State in the penal sum of two thousand dollars, with such sureties as the treasurer of such county shall approve, conditioned that such commissioner will faithfully discharge the duties of said office, and expend all moneys received by him for the benefit of said road, as directed by this act; which bond and oath shall be filed with the treasurer of said county; he shall receive for his services while engaged in the discharge of his official duties as commissioner, two dollars per day, which shall be audited by the board of supervisors of said county, and paid out of the fund created by this act.

Vacancy.

SEC. 7. Any vacancy in the office of commissioner, under this act, shall be filled by the board of supervisors of said county, and any commissioner appointed by said board of supervisors shall be subject to and perform all the requirements of this act.

*Law as to
appraisement of
damages.*

SEC. 8. Said road, so far as relates to the appraisement of damages, shall be laid out under the general highway law of the State.

SEC. 9. This act shall take immediate effect.

. Approved March 24, 1873.

[No. 324.]

AN ACT to authorize "The Bay City and Salzburgh Bridge Company" to issue bonds to aid in the construction of said bridge company's bridge.

SECTION 1. *The People of the State of Michigan enact*, That the Bay City and Salzburgh Bridge Company be and it is hereby authorized to issue the bonds of said corporation for an amount not to exceed one-half the actual value or cost of construction of its said bridge; and such bonds, when issued, shall be used only to aid in the construction of said bridge, and may be issued to draw ten per cent interest per annum: *Provided, however*, That no bonds shall be issued by said company until the same is first authorized by a vote of a majority of the stockholders of said company, at a special election called for that purpose, on ten days' personal or published notice served on each stockholder, and naming the place and hour of such election: *And provided further*, That at such election, each stockholder shall be entitled to cast one vote for each share of stock held by him; and any stockholder may, by written authority, empower any other stockholder to vote as his proxy.

SEC. 2. At such meeting or election, the board of directors of said company, or a majority of them, shall act as inspectors of such election, and shall count and keep a record of the number of votes cast for and against the issuing of bonds, and if such bonds are authorized to be issued, then the same may be drawn up and executed by the president and secretary of said company, and shall be negotiated by the board of directors of said company, or under their direction.

SEC. 3. This act shall take immediate effect.

Approved March 25, 1873.

[No. 325.]

AN ACT to legalize the tax roll of the township of Bingham, in the county of Clinton, for the year eighteen hundred and seventy-two.

Tax roll
legalized.

SECTION 1. *The People of the State of Michigan enact*, That the tax roll of the township of Bingham, in the county of Clinton, for the year eighteen hundred and seventy-two, be and the same is hereby declared as valid and legal, for all purposes whatsoever, as though the drain commissioner of said county had not assessed against certain descriptions of land in said township, and the supervisor of said township had not spread upon said roll, opposite said descriptions of land, a drain tax greater than the amount authorized by the county drain law to be assessed upon said descriptions of land.

SEC. 2. This act shall take immediate effect.

Approved March 25, 1873.

[No. 326.]

AN ACT to amend section ten of act number four hundred and six of the session laws of eighteen hundred and sixty-nine, being an act appropriating non-resident highway taxes in the county of Sanilac for the construction of a certain ditch in said county of Sanilac.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section ten of act number four hundred and six of the session laws of eighteen hundred and sixty-nine be and the same is hereby amended so as to read as follows:

Width and
depth of
ditch.

SEC. 10. Said ditch or drain shall be so constructed that in no place it shall be less than six feet wide on the top, nor less than two and one-half feet wide on the bottom, with an average depth and grade sufficient to drain off the water to the bottom of the same its entire length.

SEC. 2. This act shall take immediate effect.

Approved March 25, 1873.

[No. 327.]

AN ACT to detach a part of the township of Greenfield, Wayne county, Michigan, and attach the same to the township of Springwells.

SECTION 1. *The People of the State of Michigan enact*, That ^{Territory detached from Greenfield and attached to Springwells.} that portion of the township of Greenfield, Wayne county, Michigan, embraced in the following boundaries, to-wit: Beginning at the river Rouge, on the line between the townships of Dearborn and Greenfield, running thence north on said line to the center of section six, town two south, of range eleven east, thence east on the Holden road to the east line of private claim number two hundred and sixty, thence southerly along the east line of said claim two hundred and sixty, to the westerly line of the township of Springwells, thence southwesterly on the westerly boundary of said township of Springwells to the river Rouge, thence up the river Rouge to the place of beginning, be and the same is hereby detached from the township of Greenfield, and attached to the township of Springwells, Wayne county.

SEC. 2. This act shall take immediate effect.

Approved March 25, 1873.

[No. 328.]

AN ACT to repeal act number four hundred and seventy-five of the session laws of eighteen hundred and seventy-one, entitled "An act to provide for laying out and constructing a State road in the townships of Muzzy and Lynn, in the county of St. Clair, State of Michigan, and making an appropriation of non-resident highway tax to aid in constructing the same, to be known as the Muzzy and Lynn State road," approved April seventeenth, eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact*, That ^{Act repealed} act number four hundred and seventy-five, of the session laws of eighteen hundred and seventy-one, entitled "An act to pro-

Proviso. vide for laying out and constructing a State road in the townships of Muzzy and Lynn, in the county of St. Clair, State of Michigan, and making an appropriation of non-resident highway tax to aid in constructing the same, and to be known as the Muzzy and Lynn State road," approved April seventeenth, eighteen hundred and seventy-one, be and the same is hereby repealed: *Provided*, That any rights accrued or incurred under said act shall remain valid and binding, and may be enforced under said act as if the same were not repealed.

SEC. 2. This act shall take immediate effect.

Approved March 27, 1873.

[No. 329.]

AN ACT to change the name of the First German Protestant St. John's Church of Detroit, and legalize certain acts and proceedings thereof, and confirm the title to certain lands held by them.

Name of
corporation
changed.

SECTION 1. *The People of the State of Michigan enact*, That the corporate name of the First German Protestant St. John's Church of Detroit, be and the same is hereby changed, and that hereafter the corporate name thereof shall be the First German Evangelical Protestant St. John's Congregation of the city of Detroit, and that the trustees of said church shall be known and called by the name of the Trustees of the First German Evangelical Protestant St. John's Congregation of the city of Detroit.

Rights,
etc.

SEC. 2. That said church, under and by the corporate name last specified, shall have and be entitled to all rights, property, and effects, and remain liable for all obligations and undertakings, the same as if its name had not been changed.

Acts and
proceedings
legalized.

SEC. 3. That any act or proceeding heretofore done or taken by said church, or the trustees thereof, in the name of the German Evangelical Protestant St. John's Church of the city

of Detroit, or in the name of the trustees of the German Evangelical Protestant St. John's Church of the city of Detroit, are hereby legalized, and given the same force and effect as if the same had been regularly done and taken in the proper corporate name of said society, or of the trustees thereof.

SEC. 4. That the title to the parcels of land situate in the <sup>Title to
property confirmed.</sup> city of Detroit, in the county of Wayne, known as lot fifty-four (54), in section six (6), according to the Governor and Judges' plan of said city, conveyed by the Governor and Judges of the territory of Michigan, to George Miller, William Preusser, and William Amrhin, trustees of the First Dutch Protestant Society of the city of Detroit, by deed dated January thirty, eighteen hundred and thirty-six, and recorded in the office of the register of deeds of the city of Detroit, July twenty-seven, eighteen hundred and thirty-six, in book nine of deeds, on pages one hundred and seventy-six and one hundred and seventy-seven, and lot fifty-five (55), in section seven (7), according to the said plan of the city of Detroit, conveyed by Winslow W. Wilcox, and Nancy C. Wilcox, his wife, to the trustees of the German Evangelical Protestant St. John's Church, of the city of Detroit, by deed dated April twelve, eighteen hundred and sixty-six, and recorded in the office of the register of deeds of Wayne county May three, eighteen hundred and sixty-six, in liber one hundred and twenty of deeds, on page forty-six, and taken possession of and now held by said church, under said titles, as a part of its property and temporalities, be and the same are hereby confirmed to and vested in said church by its corporate name of the First German Evangelical Protestant St. John's Congregation of the city of Detroit, to be held by said congregation, with the same rights and effect as if said lots had been conveyed thereto, its successors and assigns, by its proper corporate name.

SEC. 5. This act shall take immediate effect.

Approved March 27, 1873.

[No. 330.]

AN ACT to vacate and discontinue a certain State road in the township of Jamestown, in the county of Ottawa.

State road discontinued. **SECTION 1.** *The People of the State of Michigan enact*, That the State road commencing at the northeast corner of section number twenty-six, township number five north, range number thirteen west, and running in a southwesterly direction to the half-quarter line of the southwest quarter of said section ; also, commencing at the half-quarter post, on the north line of the northwest quarter of section number thirty-five, township number five north, range number thirteen west, running thence in a southwesterly direction to the township line on the south side of section number thirty-four, township number five north, range number thirteen west, be and the same is hereby vacated and discontinued.

Approved March 27, 1873.

[No. 331.]

AN ACT to amend an act entitled "An act relative to free schools in the city of Detroit," approved February twenty-fourth, eighteen hundred and sixty-nine.

Sections amended. **SECTION 1.** *The People of the State of Michigan enact*, That sections seven, eight, twelve, thirteen, fourteen, and fifteen of an act entitled "An act relative to free schools in the city of Detroit," approved February twenty-fourth, eighteen hundred and sixty-nine, be amended so as to read as follows:

**Appoint-
ment of
superintend-
ent of public
schools.** **SEC. 7.** The said board shall, at the first regular meeting in July after the passage of this act, and on the first regular meeting in July of every third year thereafter, appoint a suitable person as superintendent of the public schools under their control, who shall hold his office for the term of three years, or until his successor shall be appointed and enter upon the performance of his duties: *Provided*, That if such

**Term of
office.**

appointment shall not be made at the first regular meeting in *Proviso*. July, the same may be made at any subsequent regular meeting; but the term of office of the appointee shall commence and date from said first regular meeting in July: *And provided* ^{Further proviso.} *further*, That the office of the present incumbent shall not be deemed to have been vacated by this act, but he shall hold his office until the first regular meeting in July subsequent to the time when this act shall take effect, or until his successor shall be elected and enter upon the performance of his duties. The *salary*. superintendent shall receive such salary as shall be fixed by the board: *Provided*, That the same shall not exceed four *Proviso*. thousand dollars per annum. The said board may appoint a ^{Board may appoint} *secretary* of said board, who shall hold his office during the ^{secretary.} pleasure of said board, or until his office shall otherwise become vacant. The board may prescribe his duties and compensation: *Provided*, That when the office of *secretary* and *Proviso*. superintendent shall be held by the same person, he shall receive no compensation for his services as *secretary*. The ^{Superintend-} *board*, if it deem it expedient, may direct the ^{may} *superintendent* ^{perform} *duties* ^{of} *secretary*, to perform the duties of said office of *secretary*, and he shall thereupon be *ex officio* *secretary* of said board. The said board ^{Treasurer of} *board*, shall, also, at the same meeting in July, appoint a treasurer of said board, who shall have the keeping of all moneys belonging to said schools, and said treasurer shall not pay out or expend the school moneys without the authority of said board; and said treasurer shall also be required to give bonds in such ^{Bond of} *penal sum* as the board shall deem necessary, for the faithful performance of his duties.

SEC. 8. The board of education shall have full power and ^{Power of} *authority*, and it shall be their duty, to apply for and receive ^{board to receive money from county treasurer, etc., for libraries.} from the county treasurer, or other officer, all moneys appropriated for primary schools and district library of said city, and to designate a place where the library may be kept. The said ^{To make by-laws, etc., relative to census.} board shall have full power and authority to make by-laws and ordinances relative to taking the census of all children in said

~~May appoint city, between the ages of five and twenty years. Said board persons to take census.~~ may appoint one or more persons to take such census, and may prescribe their duties and compensation. The said board annually shall direct their president and secretary, on behalf of said board, to report to the common council of said city, on or prior to the fifteenth day of April in each year, the number of children in said city between the ages of five and twenty years; and such report shall be deemed conclusive, as to the number of such children, for the purposes of taxation as hereinafter provided. Said board shall also have authority to make by-laws and ordinances relative to making of all necessary reports and transmitting the same to the proper officers, as designated by law, so that said city may be entitled to its proportion of the primary school fund; relative to visitation of schools; relative to the length of time schools shall be kept, which shall not be less than three months in each year; relative to the employment and examination of teachers, their powers and duties; relative to regulation of schools, and the books to be used therein; relative to the appointment of necessary officers, and prescribing their powers and duties; relative to anything whatever that may advance the interests of education, the good government and prosperity of the free schools in said city, and the welfare of the public concerning the same.

~~Visitation of schools.~~
~~Employment of teachers.~~
~~Regulation of schools and books.~~
~~Appointment of officers.~~

SEC. 12. For the erection of a public library building on any land now owned or leased, or which may hereafter be owned or leased by the board, the board shall first cause to be submitted to the citizens' meeting of said city, or any board or body created and vested with the powers of finally approving the estimates of the general taxes of the city, and determining the amount thereof, a statement of the estimated expense of such building, and its fixtures and furniture, not exceeding one hundred and fifty thousand dollars, together with the amounts which it is deemed expedient to be raised during each year for a period not exceeding three years, to defray the cost

~~Erection of public library.~~

~~Statement of expense to be submitted to citizens' meeting.~~

of such building, fixtures, and furniture. Said meeting, board, or body, shall thereupon proceed to consider said estimate, and may reduce the amount to be raised in any one year, or it may reduce the total amount, or the time within which it shall be raised; but it shall not increase such total amount, or the time of raising the same, beyond the three years; or, said estimate may be rejected altogether. If a majority of such meeting, board, or body shall consent to levying the amount specified in said estimate, or any part thereof, and the board of education shall, within one week thereafter, file its acceptance thereof with the clerk of said city, the common council shall direct the same to be levied, assessed, and collected in such amounts, during the respective years, as said meeting, board, or body shall have given consent therefor, and in like manner as other general taxes are levied, assessed, and collected: *Provided*, That it shall be competent for the common council to issue the bonds of the city for the whole or part of the amount as aforesaid consented to by said meeting, board, or body; said bonds to run not more than twenty years, but to be payable at any time after five years, and to bear interest at the rate of seven per cent per annum: *And provided further*, That in case said bonds are issued, the common council shall provide for the payment of not less than five per cent of the same per annum. All moneys realized from the issue and sale of said bonds, or from any tax levied and collected, in pursuance of the provisions of this section, shall be paid to the treasurer of said board of education, for the purposes hereinbefore mentioned.

Sec. 13. It shall be the duty of the board of education of said city to annually make an estimate of the amount of taxes deemed necessary for the ensuing or the current year, for all purposes of expenditure within the powers of said board, which estimate shall specify, as near as may be, the amounts required for the different objects of expense, including teachers' salaries, purchase of lots for buildings, repairs, fuel, and general ex-

Considering
of estimate,
filling of ac-
ceptance,
levying of
tax, etc.

Proviso rel-
ative to the
issuing of
bonds.

Further
proviso.
Money to
be paid to
treasurer of
board.

Estimate to be laid before the common council. rent expenses; and shall cause said estimate to be laid before the common council of said city on or before the fifteenth day of April in each year; and it shall be the duty of the said com-

To be placed upon tax rolls. mon council to place upon the general city tax rolls in said city, and cause to be levied the same as other city taxes, the amount of such estimated expenditures, excepting for purchases of lots and erection of new buildings with the necessary out-houses, fixtures, and furniture; which said tax shall be collected the same as other taxes raised to defray the general expenses of the city; and said money shall be disbursed by authority of said board of education, for the maintenance of said schools, and for no other purpose: *Provided*, That the

Disbursement of money. amount of said estimate and tax shall not be less than four dollars for every child in the said city between the age of five and twenty years, the number of children to be ascertained by the last report on that subject, which may have been made to the common council of said city by said board of education,

Proviso relative to amount of estimate and tax. as provided by this act: *And provided further*, That if the amount of any such estimate shall exceed five dollars for every such child, the common council may approve or disapprove of such excess, or some part thereof; and only that portion of such excess as shall be so approved by said council, shall be so levied and assessed.

Further proviso. SEC. 14. That for purchasing lots, and paying for lots already purchased in said city, for the use of the free schools thereof, and for erecting school houses, with the necessary out-buildings, fixtures, and furniture, or any lots now owned by the said board in said city, or which the said board may hereafter acquire, the said common council shall cause to be levied and collected, in addition to all other taxes authorized by this act to be assessed and levied for school purposes in the city of Detroit, a sum not exceeding, in any one year, five mills on the dollar of all the taxable valuation of the real and personal property in said city. Said tax, when so levied and collected as provided in section twelve of this act, shall be

Extra tax may be levied.

paid to the treasurer of said board of education, and shall vest in said board for the sole purposes hereinbefore stated: *Provided*, That it shall be competent for the common council of the city of Detroit to issue the bonds of said city for the whole or any part of the said tax, not exceeding, in any one year, five mills on the dollar of the taxable valuation of the real or personal property as aforesaid. Said bonds to run twenty years, but payable at any time after five years, and bearing interest at the rate of seven per cent per annum: *Provided further*, That the raising of such moneys shall be submitted to and approved by the citizens' meeting of said city, as hereinafter provided.

SEC. 15. It shall be the duty of the common council of said city to submit, or cause to be submitted, to the approval of the citizens of said city, at the meeting required by law to be held for the approval of such annual taxes voted by the common council of said city as require such approval of a citizens' meeting, the said tax, not exceeding five mills on the dollar of the taxable valuation of the real and personal property as aforesaid; and the said citizens' meeting may, if said estimate, or any part thereof, shall be approved, determine what portion of said tax, or such part thereof as may be approved by it, shall be levied and collected in that year, and what portion raised by the issue of the bonds of the city provided for in section fourteen of this act; and the amount of tax so approved by said citizens' meeting, shall be levied and collected, or bonds issued, as hereinbefore provided. Should citizens' meetings be at any time abolished by law, and the powers conferred thereon with respect to the approval of estimates for taxes to be raised for the general expenses of said city, be conferred upon or given to any other body or board of said city, then, in such case, the powers hereby given to said citizens' meetings shall be held to be conferred upon such other body or board; and such other body or board shall perform the duties hereby given to such citizens' meetings.

Treasurer of
board of
education
to receive
tax.
Proviso
relative to
the issuing
of bonds.

Further
proviso.

Tax must
be approved
at citizens'
meeting.

Citizens'
meeting to
determine
how money
shall be paid

Relative to
the exercise
of the pow-
ers conferred
upon citi-
zens' meet-
ings should
such meet-
ings be
abolished.

Section
added.

SEC. 2. There shall be added to said act a new section, as follows:

Power of
common
council to
pass ordi-
nances
relative to
the public
schools.

SEC. 22. The common council of said city of Detroit shall have power to pass ordinances providing for the maintenance of good order in the public schools of said city, and to prevent any noise, confusion, or disturbance in or about the same, and to enforce all reasonable rules and regulations of said board, relating to the same matters; also, to prohibit and prevent the defacing, injury, or destruction of any buildings, furniture, fences, or other property belonging to or used by said board of education.

SEC. 3. This act shall take immediate effect.

Approved March 27, 1873.

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[No. 332.]

AN ACT to detach the township of Cleon from the county of Manistee and attach the same to the county of Wexford.

Territory
detached
from Manis-
tee, and
attached to
Wexford.

SECTION 1. *The People of the State of Michigan enact*, That the township of Cleon, in the county of Manistee, being township twenty-four north, of range thirteen west, be and the same is hereby detached from the county of Manistee and attached to the county of Wexford, and shall hereafter be and remain a township of Wexford county.

Duty of
inspectors of
election.

SEC. 2. It shall be the duty of the inspectors of election of said township of Cleon, after this act shall take effect, to make all election returns to the county clerk of Wexford county that have been heretofore made to the county clerk of Manistee county.

[SEC. 3. This act shall take immediate effect.]

Approved March 27, 1873.

[No. 333.]

AN ACT to legalize bounties to certain volunteers credited to the township of Ovid, Clinton county, and to provide for the payment of the same.

SECTION 1. *The People of the State of Michigan enact, That* ^{Bounties legalized.} the action of the township of Ovid, Clinton county, at the annual township meeting, in eighteen hundred and seventy-two, in voting a bounty of one hundred dollars, with eight years' interest at seven per cent per annum, amounting to one hundred and fifty-six dollars, to each of certain volunteers herein named as follows: William Leet, Albert Bradley, Jacob Color, Peter Dibbin, Sarah H. Carrier (widow of C. F. Carrier), creditors to said township, is hereby legal and valid; and the supervisor of said township is authorized, and it shall be his duty, to spread the amount of said bounty, yet remaining unpaid, upon the tax roll of said township, after deducting three hundred and twelve dollars now on hand in the hands of the treasurer of said township, to be applied to the payment of bounties, to the above-named persons, and the same amount shall be collected as other taxes are collected.

^{Collection of amount remaining unpaid.}

SEC. 2. This act shall take immediate effect.

Approved March 27, 1873.

[No. 334.]

AN ACT to organize the township of Richmond, in the county of Marquette.

SECTION 1. *The People of the State of Michigan enact, That* ^{Boundaries.} the following described territory, situated in the county of Marquette, to wit, all of township forty-seven (47) north, of range twenty-six (26) west, except sections one, two, three, four, five, six, seven, eight, nine, sixteen, seventeen, eighteen, and north half and southwest quarter of nineteen; also township forty-six north, of range twenty-six west, be and the same

is hereby organized into a separate township, by the name of the township of Richmond.

First election, when and where held. SEC. 2. The first election in said township shall be held at the office of the Cascade Iron Company, in said township, or as near thereto as convenient, if the said office cannot be obtained, and James Watson, James E. Clark, and William N. Kirkpatrick are hereby appointed inspectors of election of the first election to be held in said township. The first election shall be held on the first Monday of April next.

Of failure to hold at time and place specified. SEC. 3. If for any cause said election is not or cannot be held at said time and place, then said township shall not be deemed to be dissolved, but any three electors of said township may call a special township meeting at any time within one year thereafter, for the election of township officers, and at such meeting the electors present shall choose the inspectors of election. The notice calling such special township meeting shall be posted up in three public places in said township at least ten days before calling such meeting, and shall state the time and place of holding such meeting.

Sec. 4. This act shall take immediate effect.

Approved March 27, 1873.

[No. 335.]

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to amend an act to incorporate the city of Detroit Gas-Light Company,'" approved March twenty-six, eighteen hundred and sixty-seven.

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That section three of the charter of the Detroit Gas-Light Company, as amended by an act approved March twenty-sixth, eighteen hundred and sixty-seven, be further amended so as to read as follows:

Amount of capital stock SEC. 3. The capital stock of said company shall not exceed two millions of dollars; such stock may be subscribed for and

issued from time to time, as the business of the company shall deem it necessary, under the direction of the board of directors; the property, affairs, and concerns of said corporation shall be managed and conducted by a board of seven directors, who shall elect one of their own number president, and said board shall have power to appoint a secretary, treasurer, and all other proper officers of said corporation.

SEC. -. This act shall take immediate effect.

Approved March 27, 1873.

[No. 336.]

AN ACT to detach certain territory from the township of Blair, in the county of Grand Traverse, and attach the same to the township of Traverse, in said county.

SECTION 1. *The People of the State of Michigan enact, That* Territory ^{detached} _{from Blair} ^{and attached} _{to Traverse.} all that portion of the township of Blair lying north of Boardman river, in the county of Grand Traverse, be and the same is hereby detached from said township of Blair, and the same shall be and is hereby attached to and form a part of the township of Traverse, in said county.

SEC. 2. This act shall take immediate effect.

Approved March 27, 1873.

[No. 337.]

AN ACT to detach certain territory from the town of Taymouth, in Saginaw county, and attach the same to the town of Spaulding in said county, and to provide for the re-organization of said town of Spaulding.

SECTION 1. *The People of the State of Michigan enact, That* Territory ^{detached} _{from Tay-} ^{mouth and} _{annexed to} ^{Spaulding.} all those parts of sections numbered nineteen (19), thirty (30), thirty-one (31), thirty-two (32), thirty-three (33), thirty-four (34), thirty-five (35), and thirty-six (36), in town eleven north,

range four east, now attached and belonging to the township of Taymouth, in Saginaw county, be and the same are hereby detached and set off; and the same shall be and are hereby annexed to and form a part of the township of Spaulding in said county.

Board of registration and election. SEC. 2. That John Barter, Charles L. Lull, and Dallas Pendleton are hereby appointed to act as a board of registration and electors [election] for said township of Spaulding, and they, or a majority of them, are hereby authorized to act as such boards for such township and to give the necessary notices therefor as required by law.

Late town officers directed to deliver books, moneys, etc., to acting board. SEC. 3. The late town officers of the town of Spaulding are hereby directed and required to deliver to the said John Barter, Charles L. Lull, and Dallas Pendleton, acting as such town board, and to the persons elected to fill the several township offices of said town, at the next election therein, all books, papers, records, moneys, and property belonging to the township of Spaulding, on demand, to be held and used as provided by law for the use of the township; and all such persons lately holding the said township offices, shall not be discharged from any legal obligation or bond, or from proper settlement with the township of Spaulding, the same as if no territory had been set off or added to such township.

Persons not discharged from legal obligations.

Questions of general indebtedness, by whom settled. SEC. 4. The town board of the town of Spaulding and the common council of the city of East Saginaw are hereby authorized to settle all questions relating to the general indebtedness of the said township of Spaulding, and to adjust the same as may be agreed upon as just and equitable.

SEC. 5. This act shall take immediate effect.

Approved March 27, 1873.

[No. 338.]

AN ACT to organize the counties of Roscommon, Ogemaw, and Midland, and to add certain territory to the counties of Menominee, Marquette, and Presque Isle, and to repeal all laws conflicting therewith.

SECTION 1. *The People of the State of Michigan enact, That* ^{Unorganized county of Roscommon attached to Midland.} township number twenty-one, twenty-two, twenty-three, and twenty-four north, of ranges one, two, three, and four west, shall be and compose the unorganized county of Roscommon, and for judicial and municipal purposes, the same is hereby attached to the county of Midland.

SEC. 2. That townships number twenty-one, twenty-two, twenty-three, and twenty-four north, of ranges one two, three, and four east, shall be and compose the unorganized county ^{Unorganized county of Ogemaw attached to Iosco.} of Ogemaw, and for judicial and municipal purposes, the same is hereby attached to the county of Iosco.

SEC. 3. That townships thirteen, fourteen, fifteen, sixteen ^{Midland county organized.} north, of ranges one and two east, and townships thirteen, fourteen, fifteen, and sixteen north, of ranges one and two west, shall be and compose the organized county of Midland.

SEC. 4. That township number thirty-seven north, of range number two east, is hereby attached to the organized county ^{Territory attached to Presque Isle.} of Presque Isle.

SEC. 5. That township forty-one north, of range thirty-one west, is hereby attached to and shall compose a part of the ^{Territory attached to township of Menominee.} organized township of Menominee in the county of Menominee.

SEC. 6. That township forty-one north, of range thirty-two west, is hereby attached to and shall compose a part of the ^{Territory attached to township of Ely.} organized township of Ely, in the county of Marquette.

SEC. 7. That all acts or parts of acts, so far as the same conflict with the provisions of this act, be and the same are hereby repealed.

SEC. 8. This act shall take immediate effect.

Approved March 28, 1873.

[No. 339.]

AN ACT to provide for perfecting the record of the plat of the village of Fort Gratiot, in St. Clair county.

Circuit
judge to
take proofs
as to loss of
plat and cor-
rections of
copy.

SECTION 1. *The People of the State of Michigan enact*, That the circuit judge of the sixteenth circuit court of this State is hereby authorized and directed, after giving such notice to the parties interested as he may deem necessary, to take proofs, in the same manner as proofs are taken in causes pending in circuit courts in chancery, of the following facts: *First*, That the village plat of the village of Fort Gratiot, in the county of St. Clair, heretofore filed and recorded in the office of the register of deeds of said county has been lost or destroyed; *Second*, That a copy of said plat that may be offered in evidence under the provisions of this act is a true copy of said original plat and of the whole thereof. After said proofs are thus taken the same shall be filed by said circuit judge in the office of the clerk of said court.

Filing of
proofs.

Certificate
attached to
copy.

SEC. 2. The said circuit judge shall, if he shall be satisfied that said original plat has been lost or destroyed, and that the copy of said plat so presented is a true copy of said original, thereupon attach a certificate to said copy, signed by him under the seal of said court, setting forth the facts as aforesaid.

Record of
copy.

Proviso.

SEC. 3. The copy of said original plat, certified to in the manner aforesaid, may be recorded in the office of the register of deeds aforesaid, in the same manner as other plats are required by law to be recorded, and when so recorded, shall stand become the legal plat and record of said village: *Provided*, That nothing contained in this act shall be construed as affecting the vested rights of any person or persons owning any of the real estate included in said village plat.

SEC. 4. This act shall take immediate effect.

Approved March 28, 1873.

[No. 340.]

AN ACT to organize the township of South Manitou, in the county of Manitou.

SECTION 1. *The People of the State of Michigan enact*, That ^{Township organized.} the island of South Manitou, in Lake Michigan, embraced within the limits of the county of Manitou, being townships thirty and thirty-one north, of range fifteen west, be and the same is hereby organized into a township by the name of South Manitou; and the first township meeting therein shall ^{First election.} be held at the house of James H. Starkweather, in said township; and James H. Starkweather, Hiram D. Willmarth, and ^{Inspectors of same.} George Hutzler are hereby authorized to act as inspectors of the final [first] election to elect township officers; which election shall be held on the first Monday in April, eighteen hundred and seventy-three, and conducted according to the statutes in such cases made and provided.

SEC. 2. If for any reason the township meeting should not be held at the time named, it shall be lawful to hold the same ^{or failure to hold election at specified time.} on any day thereafter, by giving at least ten days' notice of the time and place of holding such meeting, by posting notices thereof in four of the most public places in said township, which the said board of inspectors are hereby authorized and required to do.

[SEC. 3. This act shall take immediate effect.]

Approved March 28, 1873.

[No. 341.]

AN ACT to detach certain territory from the township of Merritt and Hampton, and attach the same to the township of Portsmouth, in Bay county.

SECTION 1. *The People of the State of Michigan enact*, That ^{Territory detached from Merritt and Hampton and attached to Portsmouth.} all that portion of the township of Merritt in the county of Bay which lies in township thirteen north, of range five east,

and sections four, five, six, and seven, in township thirteen north, of range six east, and sections thirty-one, thirty-two, and thirty-three, in township fourteen north, of range six east, in the township of Hampton, and also sections thirty-five and thirty-six in township fourteen north, of range five east, in the township of Hampton, be detached from the said townships, and attached to the township of Portsmouth.

Place of holding township meeting. SEC. 2. The next annual township meeting of said township of Portsmouth shall be held at the school-house in said township known as the district number three (3) school-house, and Nelson Merritt, Samuel Henry, and Benjamin F. Partridge shall be the inspectors of said election.

SEC. 3. This act shall take immediate effect.

Approved April 1, 1873.

[No. 342.]

AN ACT to amend an act entitled "An act to provide for the publication of lists of claims allowed by the board of county auditors for the county of Wayne," being act number four hundred and fifty-eight of the session laws of eighteen hundred and seventy-one, approved April fifteen, eighteen hundred and seventy-one.

Section amended. SECTION 1. *The People of the State of Michigan enact,* That section one of an act to provide for the publication of lists of claims allowed by the board of county auditors for the county of Wayne, approved April fifteen, eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

Publication of lists of claims. SEC. 1. It shall be the duty of the clerk of the board of county auditors for the county of Wayne, within the first ten days of the month of May of each year, and every alternate month of the year thereafter, to prepare an accurate list of all claims allowed by the said board during the then next preceding two months, which list shall exhibit the name of each claimant,

the consideration or services for which it was allowed, and the amount allowed in each case, which list he shall cause to be published within five days after it is prepared, in not less than two nor more than four daily papers of the city of Detroit, to be designated by the said board of county auditors. The amount of compensation to each paper for publishing the said lists shall not exceed seventy-five dollars per annum. If said daily papers shall refuse to publish said lists at the rate of compensation herein specified, it shall be the duty of said clerk, without delay, to cause the lists to be published in any daily paper in the said city, which will publish the same, the rates therefor not to exceed in cost the rates paid by the city of Detroit for publishing council proceedings. Said board Hereafter board not required to publish annual list. of county auditors shall not hereafter be required to publish annually a list of the claims allowed by them as now prescribed by law.

SEC. 2. This act shall take immediate effect.

Approved April 1, 1873.

[No. 343.]

AN ACT to organize the township of Isle Royal, in the county of Keweenaw.

SECTION 1. *The People of the State of Michigan enact,* That Boundaries. all the townships and fractional townships lying north of the south line of township number sixty-three north, and west of the east line of range thirty-two west, being all those townships and fractional townships embracing the island of Isle Royal, and all the islands lying adjacent thereto in the county of Keweenaw, be and the same are hereby organized into a separate township known as the township of Isle Royal.

SEC. 2. The first annual meeting in said township of Isle Royal shall be held on the third day of July, eighteen hundred and seventy-three, in the building of the old Seskowit First meeting, when and where held.

Mine, Rock Harbor, in said township, and Samuel W. Hill, Phillip Hanington, and Sylvanus Mott are hereby made and constituted a board of inspectors of said township election.

Of failure to hold election at specified time. SEC. 3. If for any reason the township election provided for in the last preceding section shall not be held at the time designated for holding the same, it shall and may be lawful to hold the same at any time thereafter by giving at least ten days' notice of the time and place of holding such election by posting notices thereof in four of the most public places in said township, which notice may be given by said board of inspectors, or a majority of them.

Failure of inspectors to attend. SEC. 4. If for any cause all or either of the inspectors hereby appointed shall neglect or be unable to attend said board at the time specified, it shall be lawful for the electors of said township, who shall be present at the time designated for opening the polls of said election, to choose from the electors present suitable persons to act as inspectors of said election, in place of such inspector or inspectors who shall neglect to attend said board.

SEC. 5. This act shall take immediate effect.

Approved April 1, 1873.

[No. 344.]

AN ACT to authorize a board of public works in and for the city of Port Huron.

Board of public works.

To be appointed by the mayor.

SECTION 1. *The People of the State of Michigan enact,* That there shall be constituted a board of public works in and for the city of Port Huron, composed of four persons, who shall be freeholders and qualified electors of said city, to be appointed by the mayor. Such appointment shall be in writing, signed by the mayor, reported to and confirmed by the common council of said city, and be recorded in its record of proceedings. The members first comprising such board shall

be appointed on the first Monday in May, eighteen hundred and seventy-three, and the person appointed and accepting membership in said board of public works shall take the oath ^{Oath of} _{office.} of office prescribed for city officers, within one week from the date of appointment, and proceed by lot to determine ^{Term of} _{office, how} their term of office respectively, one to serve for the term of one year, one for the term of two years, one for the term of three years, and one for the term of four years, and until their successors shall be appointed and qualified, the result to be reported to the common council and recorded like the proceedings of said council.

SEC. 2. The mayor shall be *ex officio* president of said board, ^{President.} and shall only vote in case of a tie. Said board shall, once in each year, elect one of their own number president *pro tem.*, who shall preside in the absence of the mayor. Said board ^{Secretary.} shall also appoint a secretary, who shall hold his office for one year, or until his successor shall be appointed and qualified. The said board shall devote whatever time may be necessary to ^{Duty of} _{board.} properly and efficiently superintend, carry forward, and see executed all the work in their charge or under their control. The members of said board shall receive for their services ^{Compensa-} _{tion.} such compensation as the common council may determine. The secretary shall receive such compensation as the board shall prescribe.

SEC. 3. Annually, after the year one thousand eight hundred and seventy-three, the mayor of the city shall appoint, as hereinbefore provided, one person to membership in said board of public works, to serve for the period of four years, and until his successor is appointed and qualified, in place of the one whose term of office shall then expire. Such annual appointment shall be made within one week of the time when the term of office of the retiring member shall expire. Vacancies ^{Mayor to} _{appoint} _{members.} occurring in said board by removal from said city, resignation, or otherwise, shall be filled for the unexpired term by the mayor's appointment, as hereinbefore provided. Said board

of public works shall have power to make all such by-laws, rules, and regulations as may be necessary or expedient for the conduct of its business, not inconsistent with this act. The city of Port Huron shall provide the board with suitable office room for its meetings and business uses, and supply record books, stationery, and other things necessary for the transaction of public business in charge of said board. All accounts for rent, and other necessary expenses incurred by said board, shall be presented to the common council to be audited and ordered paid in like manner as other accounts against the city.

Accounts audited by common council.

Removal of members of board from office.

Proviso.

Members not to hold any elective office under charter of city.

Not to be interested in contracts, etc.

May determine and establish the grade lines of streets, etc.

SEC. 4. Any member of said board may at any time be removed by the mayor of said city for official misconduct or for the unfaithful or inefficient performance of the duties of his office, and the proceedings in that behalf shall be reported to the common council and be entered in the record of its proceedings: *Provided*, That a copy of the charges against such member sought to be removed, and notice of the time and place of hearing the same, shall be served on him ten days at least previous to the time so assigned, and opportunity be given him to make his defense.

SEC. 5. No member of said board shall hold any elective office under the charter of said city during his continuance as member of said board, and his election to any office in said city by the people, which he shall not forthwith resign, shall be deemed a resignation of membership, and shall vacate his office in said board. No member of said board shall be personally interested, either directly or indirectly, in any contract for any public work in said city, under the control of said board, nor in the purchase, sale, or disposition of any material to be used or applied in or about any public work or improvement under the control of said board.

SEC. 6. Said board of public works is hereby empowered to determine and establish the grade lines of all streets, highways, lanes, alleys, sidewalks, and public grounds in said city; to locate all necessary sewers, drains, culverts, vaults, arches, and

bridges, wells, pumps, and reservoirs in said city; and cause to be graded, graveled, paved, planked, or covered with other materials, all such streets, highways, lanes, alleys, sidewalks, and public grounds in said city; and to construct all such main and lateral sewers, drains, culverts, vaults, arches, and bridges, wells, pumps, and reservoirs in said city, as the common council of the city of Port Huron shall by resolution declare to be necessary improvements. But before any contract for such work or improvement shall be let, the cost and expense thereof, as estimated and reported by said board of public works to the common council, shall be assessed and collected or otherwise provided for by said common council in the manner authorized by law: *Provided*, That when any street, highway, lane, or alley has been graded, graveled, paved, planked, or covered with other materials the same shall not again be graded, graveled, or paved, unless declared to be a necessary improvement, upon petition by a majority of all the property owners on said street; but nothing herein contained shall prevent such repairs as may be deemed necessary to keep and maintain such streets, lanes, and alleys in good condition, the cost and expense whereof shall be raised and provided as the common council may order.

SEC: 7. Said board of public works shall have charge and control of the erection and construction of engine houses and other public buildings (except school-houses) in said city, in the erection of public buildings, and in the grading, graveling, paving, planking, or covering with other material, any street, highway, lane, alley, or public ground, and in constructing sewers, drains, and other public works or improvements, including the public parks or grounds and works for supplying said city with water. Said board shall advertise for proposals to execute the work, and for materials, according to plans and specifications, and may contract with the lowest responsible bidder: *Provided*, Said board may require security for the performance of proposals tendered to said board, if the Board to have charge of erection of public buildings, etc. Shall advertise for proposals. Proviso.

Proviso. bid is accepted, and security for performance of contracts: *And provided*, It shall be at the option of the board to reject all bids of proposals made.

Common council to decide what are necessary improvements. SEC. 8. When the common council of said city decide that paving, grading, graveling, planking, or covering with other materials, any street, highway, lane, alley, or other public ground, including improvements of the public parks or grounds in said city, or that constructing any main or lateral sewer, drain, culvert, vault, arch, and bridge, well, or reservoir in said city, or that the construction of any public building in said city is a necessary improvement, the board of public works, with all convenient dispatch, shall determine as to the particular kind and quantity of materials to be used therefor,

Board to prescribe materials. and estimate the probable cost and expense of such work, and of the material to be used, in detail, and report the same to the common council as a basis for assessing or otherwise raising the funds necessary to enable the board to go forward and complete such work.

To estimate cost and expense. SEC. 9. The paving, grading, planking, or covering with other material, of all streets, highways, alleys, lanes, sidewalks, and other public places, the building and construction of all sewers, drains, culverts, arches, and bridges, wells, and reservoirs, and the erection of public buildings, and works which the council shall by resolution declare to be necessary improvements, shall be done under the direction and supervision of the board of public works, and upon contracts and under specifications to be prepared and approved by such board; and all

To expend all moneys appropriated. moneys raised or appropriated by the common council for such purposes shall be expended by said board of public works for the purposes designed, and be drawn from time to time from the appropriate fund, by order of the common council, upon estimates of amounts earned or payable, to be made by the board and reported to the council. And no money shall be drawn from the city treasury under this act except upon the order of the common council.

Money, how drawn.

SEC. 10. The city of Port Huron shall alone be liable on all contracts made by the board of public works, in accordance with law. All the matters aforesaid in this act mentioned shall be deemed public improvements, within the meaning of this act.

SEC. 11. The office of city surveyor of the city of Port Huron is hereby abolished; and the board of public works is hereby authorized to employ some suitable person as surveyor, who shall receive such compensation for services as is now provided for city surveyor, or as may hereafter be provided by law or by the common council, not less than the amount now allowed to the city surveyor. And said board may employ such assistants of such surveyor as may be necessary in the performance of his duties; such surveyor and assistants shall be paid by the city of Port Huron, under the provisions now existing, or such as may hereafter be provided for payment of such services; such surveyor shall perform such other services as may be required by the common council.

SEC. 12. The common council may at any time, by resolution, call upon said board of public works to furnish and report a statement showing the condition, progress, and operations of any work or improvement being carried forward under or commenced by said board, and it shall be the duty of such board to make such report.

SEC. 13. Said board of public works is hereby authorized and empowered to cause the city of Port Huron and its inhabitants to be supplied with water, and to procure such supply from any source or sources within or without the limits of said city; to determine the kind and quantity of power and machinery required therefor, the pipes and conduits to be used, and the manner and extent of distribution in said city. Said board may contract for constructing all necessary works, the doing of all necessary labor, and for the purchase and manufacture of all necessary material appertaining to procuring, storing in, and furnishing to said city and its inhabitants a supply of

water. Said board may purchase and lease lands, water rights, and other privileges deemed necessary in effecting such supply; they may lay pipes in the streets and public grounds, lanes, and alleys of said city, and establish, and erect fire hydrants and public hydrants, jets, and fountains. Said board of public works shall establish the rates to be paid by consumers of water, and the terms and conditions upon which consumers of water, furnished by said water works, shall be entitled to be supplied: *Provided*, That before any contract for constructing said water works and furnishing materials therefor shall have been entered into, the common council shall provide the means to meet the costs therefor.

Board to report estimate of cost. SEC. 14. The board of public works shall make an estimate of the cost and expenses of such water works, and for the materials necessary to be used therein, and report the same to the common council; and thereupon it shall be the duty of the common council to provide the means or funds to meet the cost and expense of the same according to such estimate: *Provided*, That the existing provisions of law in reference to submitting to a vote of the electors of said city any matters involving supplying said city with water, shall not be deemed to be affected with any provision of this act.

Authority to make surveys and agree on damages to property. SEC. 15. The said board, and, under its direction, their agents, employes, and workmen, are hereby authorized to enter upon any land or water within or without the limits of said city of Port Huron for the purpose of making surveys, and to agree with the owner of any property, rights, or privileges which may be required for the purpose of obtaining or conveying a supply of water to, in, or through said city, as to the amount of compensation to be paid to such owner. And

Proceedings when agreement cannot be made. in case of disagreement between the board and owner of any property, rights, or privileges which may be required for said purpose, or affected by any operation connected therewith, as to the amount of compensation to be paid to such owner, or in case such owner shall be an infant, or insane, or

absent from the State, proceedings shall be had therein as is provided in the charter in the city of Port Huron for opening streets through improved or unimproved real estate, as near as may be, and where the amount found and reported as damage shall be paid into the city treasury by the common council for the owners, the said board shall have the right to occupy so much of said land as is covered by the award or report for all purposes contemplated by the proceedings; and the person in whose behalf said award is made or reported, shall be entitled to draw the amount from the city treasury, upon giving receipt therefor, expressing therein that such sum is in full for all damages in the premises.

Payment of damages.

SEC. 16. If any person shall willfully do, or cause to be done, any act whereby any work, material, or property whatsoever, selected or used within the city of Port Huron, or elsewhere, for the purpose of procuring or keeping a supply of water for said city, shall in any manner be injured, or shall willfully pollute any water, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars, or by imprisonment for not less than thirty days, nor more than three years, or by fine and imprisonment, at the discretion of the court.

Penalty for damages to water or water works

SEC. 17. If any person shall, without the authority of said board of public works, as delegated through any of their agents, perforate or bore, or cause to be perforated or bored, any distributing pipe, or main belonging to the works of said city, or make or cause to be made any connection or communication whatever with the said pipes, or dig up or molest the same, every person so offending shall for such offense be subject to a fine in a sum not exceeding fifty dollars, or imprisonment not exceeding thirty days, and costs of prosecution, which suit or prosecution may be brought in the name of the city of Port Huron, in the recorder's court, or in any other court of competent jurisdiction.

**Penalty for
interference
with water
works.**

SEC. 18. Any willful interference by any person with any part of the water works of said city, designed to diminish or prevent a supply of water for extinguishing fires, the person so offending shall be deemed guilty of a misdemeanor, and, upon conviction before any court of competent jurisdiction, shall be punished by a fine not less than one thousand dollars, nor more than five thousand dollars, or by imprisonment in the State prison of this State not less than one year, nor more than five years, or by both such fine and imprisonment, in the discretion of the court.

**Contracts to
be made in
name of
city.**

SEC. 19. All contracts made by said board of public works shall be in the name of the city of Port Huron, and be signed by the president and secretary of said board after the same shall have been approved by the board. Said board of public

**Board to
prosecute
for recovery
of penalty.**

works is hereby authorized to commence and prosecute in the name of said city any suit or proceeding for the recovery of any penalty or forfeiture incurred by any person under the provisions of this act, or for damages for breach of any contract authorized to be made and entered into by said board, or to enforce the performance of any such contract, and to enforce obedience to the provisions of this act. The city

**City attorney
to be legal
adviser.**

attorney shall be the legal adviser of said board, and he shall perform such services as may be required of him in connection with the duties of the board, and said board may employ other counsel whenever deemed advisable.

**Board to
keep record
of proceed-
ings.**

SEC. 20. The board of public works shall keep a record of their proceedings and determination, and therein shall be shown the vote of each member voting upon every question brought before and decided by said board, which record shall at all times be open to public inspection. A majority of said board shall form a quorum for the transaction of business, but a majority of all the members shall be necessary to decide questions before the board. All bonds and contracts shall be

**Bonds and
contracts to
be filed in
office of
board.**

filed and preserved in the office of the board.

SEC. 21. Said board shall, in their discretion, have power to ^{Board may extend pipes} extend the main and distributing pipes in said city whenever means are provided for such purpose.

SEC. 22. All acts and parts of acts, so far as the same are ^{Acts repealed.} inconsistent with the provisions of this act, are hereby repealed.

SEC. 23. This act shall take immediate effect.

Approved April 1, 1873.

[No. 345.]

AN ACT to detach townships twenty-seven north, of ranges seven and eight east, from the township of Harrisville, and attach the same to the township of Alcona, in the county of Alcona.

SECTION 1. *The People of the State of Michigan enact,* That townships number twenty-seven north, of ranges seven and eight east, be and they are hereby detached from the township of Harrisville, and attached to the township of Alcona in the county of Alcona.

SEC. 2. This act shall take immediate effect.

Approved April 1, 1873.

[No. 346.]

AN ACT to amend certain sections of an act entitled "An act to organize Union School District of Bay City," approved March twenty, eighteen hundred and sixty-seven.

SECTION 1. *The People of the State of Michigan enact,* That sections one, two, three, four, and six, of an act entitled "An act to organize Union School District of Bay City," approved March twenty, eighteen hundred and sixty-seven, and the acts amendatory thereof, be amended so as to read as follows: That

section five of said act be repealed, and that a new section be added thereto, to stand as section twenty.

City shall constitute district. SEC. 1. Said city shall constitute one school district, which shall be a body corporate, by the name and style of "Union School District of Bay City," and by that name may sue and be sued for all school debts contracted by the board of education, and shall be subject to all the general laws of the State relative to corporations, so far as the same may be applicable; and such district shall have all the powers and privileges conferred upon union school districts by the general laws of this State, all the general provisions of which, relating to common or primary schools, shall apply and be in force in such district, except such as shall be inconsistent with the provisions hereinafter given, or with the by-laws and ordinances of the board of education hereinafter mentioned; and all schools organized in said district shall be open and free to all children, actual residents within the limits of said city, between the ages of five and twenty years inclusive, and to such other persons as the said board shall admit.

Board of education, and terms of office. SEC. 2. The board of education of said district shall consist of two members from each ward, who shall hold their office for two years, and until their successors are appointed and qualified: *Provided*, That the members appointed in eighteen hundred and seventy-three shall be appointed one from each ward for one year, and one from each ward for two years: *And provided further*, That the present members of said board shall continue to hold their offices as members thereof until the first Monday of April in the year one thousand eight hundred and seventy-three, and until their successors are appointed and qualified.

Common council to appoint members of board. SEC. 3. It shall be the duty of the common council of said city, at some regular meeting thereof, on or before the third Monday of April, eighteen hundred and seventy-three, to appoint two suitable persons, residents of and qualified electors from each ward, as members of said board, one of whom

shall be appointed for one year, and one for two years, and at some regular meeting on or before the first Monday in April of each and every year thereafter, to appoint one member from each ward, and the members of said board so appointed shall, within ten days thereafter, take and file with the recorder of said city the constitutional oath of office. In case a vacancy occurs, the common council shall fill the same. Vacancies in board.

SEC. 4. The recorder of said city shall be *ex officio* clerk of said board, and shall perform such duties as the board of education may reasonably require; but he shall not be entitled to a vote therein, and he shall keep the records of the proceedings of said board at his office. In case of his absence, the board may appoint some suitable person clerk *pro tem.* Recorder ex officio clerk of board.

SEC. 6. The treasurer of said city shall be treasurer of said board, and shall keep all moneys belonging to the school fund of said district separate from the moneys of said city in his possession, and shall not pay out or expend any of such money without the authority of said board. The treasurer shall, City treasurer shall be treasurer of board. before receiving any of the moneys of said district, give a bond to said district in double the amount of money that is likely to come into his hands belonging to said district, as near as may be ascertained, with two or more sufficient sureties, to be approved by said board, conditioned for the faithful performance of his duties as such treasurer, and the proper care and application of the funds that shall come into his hands as such treasurer. Said treasurer shall deposit the school funds Deposit of funds. in his possession in such bank in said city, or with such person or corporation therein, as will pay the greatest amount of interest, and shall give good and sufficient security, by bond, with at least five sufficient and responsible sureties, to be approved by such board, conditioned for the re-payment thereof as needed in the management of said district, and as ordered by said board: *Provided*, Said treasurer shall, in July Proviso. in each year, invite proposals for such deposits, by publishing notice inviting bids for such deposits, in one or more newspa-

Further proviso.

pers published in said city, for four successive weeks, and the person or corporation offering the largest amount of interest, and who shall comply with this section, shall receive such deposits. The interest accruing therefrom shall be added to the school fund of such district: *And provided further*, That said funds shall not be loaned to, or deposited with, any member or officer of said board or said city, or loaned to, or deposited with, any firm, company, or corporation, with which any member of said board, or officer of said city, is interested as partner, stockholder, or otherwise, nor shall any member of said board, or officer of said city, become surety upon any bond provided for in this section. This proviso shall not be construed as applicable to banks and bankers.

Duties of board.

SEC. 20. It shall be the duty of said board, during the year eighteen hundred and seventy-three, to erect suitable ward school houses, one in the sixth ward, and one in the seventh ward in said city, and they shall keep and maintain in the sixth ward a graded school, substantially as the same is at present maintained in said ward.

Section repealed.

SEC. 2. That section five of said act be and the same is hereby repealed.

SEC. 3. This act shall take immediate effect.

Approved April 2, 1873.

[No. 347.]

AN ACT to incorporate the board of education of the city of Hastings.

School district.

SECTION 1. *The People of the State of Michigan enact*, That the city of Hastings shall constitute one school district. The members of the board of education shall be a body corporate, by the name and style of "The Board of Education of the city of Hastings," and by that name may sue and be sued, and shall be subject to the laws of this State relative to

corporations that may be applicable thereto. They shall hold <sup>To control
moneys,
property,
etc.</sup> and control all moneys, real and personal property, or other rights belonging to said school district, and shall use and expend the same solely for the benefit of the public school or schools within said city.

SEC. 2. There shall be elected at the annual city election, <sup>Election of
board of
education.</sup> on the first Monday in April, in the year one thousand eight hundred and seventy-three, and every year thereafter, on a ticket separate from other city officers in each of the wards of said city of Hastings, one member of the board of education, who shall hold his office for the term of three years from and after the first day of July next ensuing: *Provided*, That at ^{Proviso.} the election on the first Monday of April next, two additional members of said board shall be elected in each of said wards; one for the term of one year, and one for the term of two years, from and after the first day of July next: *And provided* <sup>Further
proviso</sup> *further*, That at any subsequent general or city election in said city, there shall be elected as hereinbefore provided, in each of said wards in said city, a member or members of said board to fill any vacancy or vacancies that may exist.

SEC. 3. The board of education shall meet, from time to <sup>Meetings of
board.</sup> time, at such place in said city as they may designate. A ^{Quorum.} majority of all the members shall constitute a quorum. They <sup>Election of
officers.</sup> may elect from their number a president, a secretary, and treasurer. The said board shall keep a record of their proceedings, <sup>Record of
proceedings.</sup> which shall be signed by the president and secretary; and any proceedings of said board, certified by the president and secretary, shall be evidence of the facts therein contained. The <sup>Jurisdiction
of justices
of the peace.</sup> justices of the peace shall have jurisdiction over all prosecutions for the violation of the by-laws and ordinances passed said board.

SEC. 4. The board of education shall have full power and <sup>Power and
duty of
board.</sup> authority, and it shall be their duty:

First, To purchase sites and build school-houses or other <sup>To purchase
sites for
school build-
ings.</sup> buildings for school purposes in said city, provided the expense does not exceed five thousand dollars on any one building;

To establish *Second*, To establish a high school in said city, and prescribe a high school, etc. the course of study therein;

To appoint *Third*, To appoint a superintendent of the common schools a superintendent, etc. in said city, under the charge of said board, with such compensation as they shall deem proper, and with such powers and duties of superintendent as they shall prescribe; and it shall be his duty to act as clerk of said board if required;

To establish *Fourth*, To establish a school library in said city, and designate a school library, etc. the place and places where the same shall be kept, and to appoint a librarian, who shall not be entitled to any compensation for services for [as] such librarian;

To receive *Fifth*, To apply for and receive from the county or city primary school funds etc. treasurer, or other officers, all moneys appropriated or belonging to the primary school funds of said city, or for library purposes, and to expend the same according to law;

Sixth, To make by-laws and ordinances for taking the census of the children of said city; for making reports, and all things that shall be necessary to draw the proportion of the primary school fund belonging to said city; for visitation of Visitation of schools, and the length of time schools shall be taught, (which shall not be less than nine school months in each year);

*Employ-
ment of
teachers, etc.* for the employment and examination of teachers, and their powers and duties; for the regulation of schools and the books to be used therein; for the appointment of necessary officers, and to prescribe their powers and duties; for all necessary purposes that may advance the interests of education in said city, and the good government and prosperity of the public schools.

*Duties of
treasurer
relative to
school fund.* SEC. 5. The treasurer of said city shall collect the money and keep all school funds belonging to said city separate from all other funds, and he shall pay over to the treasurer of said board all moneys on the order of said board; he shall report to the board the condition of the school fund whenever requested by them.

SEC. 6. The board of education of said city are hereby

authorized, and it shall be their duty, once in each year, to ^{Board to determine the sums by resolution necessary.} ascertain and determine, by resolution passed at any regular meeting of said board, by a yea and nay vote of a majority of all the members elect, to be entered on the record, the sums necessary and proper for any or all of the following purposes

First, To lease, enlarge, alter, improve, and repair, school-^{To lease and improve school houses, etc.} houses, and their out-houses, and appurtenances;

Second, To purchase, exchange, improve, and repair, school ^{To improve school apparatus, etc.} apparatus, books, furniture, and appendages;

Third, To procure fuel, and defray the contingent expenses ^{To procure fuel and defray expenses.} of the schools, and the expenses of the school library of said city, and the necessary contingent expenses of said board;

Fourth, To purchase books for the school library of said city, ^{To purchase books for library.} to an amount not exceeding one hundred dollars in any one year;

Fifth, To pay teachers' wages after the application of public moneys which may by law be appropriated and provided for ^{To pay teachers' wages.} that purpose; and the city supervisors, whose duty it shall be ^{Levy of sums so cer-} to assess the ordinary city taxes, shall levy the sums so certified. fied to them upon the taxable property of said city, in the same manner as other taxes are levied.

SEC. 7. The treasurer of said board shall have charge of all ^{Treasurer of board to have charge of funds, etc.} moneys or funds belonging to the board, and he shall pay them out only upon the order of said board, signed by the president and countersigned by the clerk thereof. Said treasurer ^{To give bonds.} shall give bonds, with good and sufficient sureties, for at least double the amount of moneys intrusted in[to] his hands, for the faithful discharge of his duties.

SEC. 8. Whenever the said board shall, from time to time, ^{Assessment of property for school purposes under resolution of board.} determine by resolution what sum or sums of money may be necessary to erect school buildings, or other buildings used for school purposes in said city, or for other school purposes, exceeding in cost for any one building the sum of five thousand dollars in any one year, said sum, or any part thereof, as they may deem necessary, shall be assessed and levied on the

Proviso. real and personal property of said city, for such building or other school purposes, to be collected as other school moneys, and applied by said board for the purposes as aforesaid: *Provided*, Said resolution shall have been first approved by a two-thirds vote of the common council of the said city of Hastings.

Vacancies, how filled. SEC. 9. In case of a vacancy in the office of a member of said board, the same shall be filled by appointment by a majority of said board, of a person from the ward in which such vacancy exists, which appointment shall be until the next annual election, and until his successor is elected and qualified.

Provisions of the general law applicable, etc. SEC. 10. All provisions of the general laws of this State relative to common and union schools shall apply and be in force in said city, except such as may be inconsistent with the provisions of this act, or with the by-laws and ordinances of the board of education, made under this act.

Members of board not to be interested in certain contracts. SEC. 11. No member of the board of education shall be directly or indirectly interested in any contract as principal, surety, or otherwise, the expenses or consideration whereof are to be paid under any act or ordinance of said board of education, nor be surety or bondsman on any contract or bond given to said city or board of education.

SEC. 12. This act shall take immediate effect.

Approved April 2, 1873.

[No. 348.]

AN ACT to amend section two, of act number three hundred and eighty-seven, of the session laws of one thousand eight hundred and seventy-one, entitled "An act to incorporate the public schools of the city of Corunna," approved March twenty-nine, eighteen hundred and seventy-one.

Section amended. SECTION 1. *The People of the State of Michigan enact*, That section two, of act number three hundred and eighty-seven, of the session laws of one thousand eight hundred and seventy-

one, entitled "An act to incorporate the public schools of the city of Corunna," approved March twenty-nine, eighteen hundred and seventy-one, be and the same is hereby amended so as read as follows:

SEC. 2. The officers of said district shall consist of six trustees, whose term of office shall be three years; two of whom shall be elected by ballot at the annual meeting of said district, to be held on the first Monday of September in each year; and within ten days after such annual meeting, the trustees of said district shall meet and elect from their own number a president, secretary, and treasurer, whose term of office shall continue one year, and whose powers and duties shall be severally the same as those conferred upon and required of the moderator, director, and assessor of school districts in this State, except so far as the same are varied or modified by the provisions of this act or other acts relating to said district. The present trustees of union school district number one of Caledonia shall be and are hereby constituted the trustees and officers of the public schools of the city of Corunna; and said trustees and officers shall continue to hold their office for the term for which they were elected by the district. Said board shall, within ten days after this act shall take effect, meet and elect, from their own number a president, secretary, and treasurer, whose office shall continue until the next annual meeting of said district. Said board of trustees shall have power to fill any and all vacancies that may occur in their number, or in the officers appointed by them, until the next annual meeting of the district.

Officers of
district,
terms of
office, etc.

Officers of
board.

Duties, etc.
of same.

Present
officers con-
tinued.

Election of
officers by
new board.

Vacancies.

SEC. 3. This act shall take immediate effect.

Approved April 2, 1873.

[No. 349.]

AN ACT to amend an act entitled "An act to lay out and establish a state road in the counties of Midland and Saginaw, and to appropriate certain non-resident highway taxes therefor," by adding a new section thereto.

Section added.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled "An act to lay out and establish a State road in the counties of Midland and Saginaw, and to appropriate certain non-resident highway taxes therefor," approved March twenty-nine, eighteen hundred and seventy-one, be amended by adding a new section thereto, to stand as section eleven, and to read as follows:

Road to be laid out in accordance with highway law.

Damages, how paid.

SEC. 11. The said commissioner shall lay out the road provided for in this act, in accordance with the provisions of the general highway law, so far as the same relates to assessing damages to private property over which said road may run, and the sum or sums so awarded to the owners of land over which said road shall be laid, shall be paid by the commissioner of said road, out of any moneys in his hands appropriated for the construction of said road.

SEC. 2. This act shall take immediate effect.

Approved April 3, 1873.

[No. 350.]

AN ACT to detach certain territory from the city of Hillsdale, and to annex the same to the township of Hillsdale, in the county of Hillsdale.

Territory detached from city and attached to township.

SECTION 1. *The People of the State of Michigan enact*, That there shall be detached, from the territory of the city of Hillsdale, the following subdivision of land, according to the survey made by the United States, namely: The southwest quarter of the northwest quarter of section number twenty-two, in township number six south, of range number three

west; and the same subdivision shall be annexed to and become a part of the territory of the township of Hillsdale, in the county of Hillsdale.

SEC. 2. This act shall take immediate effect.

Approved April 3, 1873.

[No. 351.]

AN ACT to detach certain territory from the township of Berlin, and attach the same to the township of Easton, in the county of Ionia.

SECTION 1. *The People of the State of Michigan enact*, That the territory hereinafter described be and the same is hereby detached from the township of Berlin, and the same attached to the township of Easton, in the county of Ionia, to wit: The northwest fraction of the northwest quarter of section six of township number six north, of range seven west, the same being in the township of Berlin.

SEC. 2. This act shall take immediate effect.

Approved April 3, 1873.

[No. 352.]

AN ACT to change the name of the First Presbyterian Society of Mill Point to the First Presbyterian Society of Spring Lake.

SECTION 1. *The People of the State of Michigan enact*, That the name of the First Presbyterian Society of Mill Point be changed and the same is hereby changed to the First Presbyterian Society of Spring Lake.

SEC. 2. Any transfer or purchase of real estate made prior to the date of this act, under the name of the First Presbyterian Society of Spring Lake, is hereby declared as valid and Transfer or purchase of real estate made in former name to be valid.

legal as if the same had been made under the original name of the First Presbyterian Society of Mill Point.

SEC. 3. This act shall take immediate effect.

Approved April 3, 1873.

[No. 353.]

AN ACT to authorize the common council of the city of Hastings to assess, levy, and collect a special tax to pay existing indebtedness.

Amount of tax authorized to be assessed.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the city of Hastings be and they are hereby authorized, in their discretion, to assess, levy, and collect with the tax of eighteen hundred and seventy-three, in addition to all other taxes now authorized by law, the sum of two thousand dollars, to pay any and all the existing indebtedness of said city.

Approved April 4, 1873.

[No. 354.]

AN ACT to organize Union School District of the city of Alpena.

Territory embraced in city limits to constitute district.

Name.

Corporate rights, etc.

SECTION 1. *The People of the State of Michigan enact*, That the territory embraced within the limits of the city of Alpena be and the same is hereby set off from the union school district number one of the township of Alpena, and declared to be a union school district which shall be a body corporate by the name and style of "Union School District of the city of Alpena;" and by that name may sue and be sued for all school debts contracted by the board of education, and shall be subject to all the general laws of this State relative to corporations, so far as the same may be applicable; and such dis-

trict shall have all the powers and privileges conferred upon union school districts by the general laws of this State, all the general provisions of which relating to common or primary schools shall apply and be in force in said district, except such as shall be inconsistent with the provisions hereinafter given, or with the by-laws and ordinances of the board of education hereinafter mentioned; and all schools organized in said district shall be open and free to all children actual residents within the limits of said city, between the ages of five and twenty years inclusive, and to such other persons as the board shall admit.

SEC. 2. The officers of said district shall consist of a board Board of trustees, term of office, and manner of conducting election. of trustees, two to be chosen from each ward in said city, each of whom shall hold his office for the term of two years and until their successors are elected and qualified. The manner of conducting such election and canvassing shall be the same as provided in the charter of said city for an election of aldermen: *Provided*, That the annual election to be held in said Proviso. city in the year one thousand eight hundred and seventy-three, shall be elected two trustees in each ward of said city by the electors thereof, one of whom shall hold his office for the term of one year and the other for the term of two years, and until their successors shall be elected and qualified; and the time for which the person voted for is intended shall be designated on the ballot; and at each annual election thereafter to be held, one trustee shall be elected in each ward by the electors thereof, who shall hold his office for the term of two years and until his successor shall be elected and qualified; said trustees to be elected in the same ticket with other ward Form of ballots. officers, and to be designated "For member of board of education."

SEC. 3. Within ten days after such annual election, the trustees The mayor to be president of the board. shall meet, and the mayor of the city shall be president of the board, and in the absence of the president at any meeting, a

majority of the members present may choose one of their own number president *pro tem.*

<sup>The recorder
to be ex
officio clerk.</sup> SEC. 4. The recorder of said city shall be *ex officio* clerk of said board, shall perform such duties as the board of education may reasonably require, but shall not be entitled to vote therein; and in case of the absence of said clerk, the board may choose some suitable person to perform his duties.

<sup>Board to
fill vacancies</sup> SEC. 5. Said board of education shall have power to fill vacancies that may occur in the office of trustee, until the next annual election, and each trustee shall file with the clerk an acceptance of the office, in writing, within ten days after such election by the board, or by the ward in which such vacancy may occur.

<sup>Treasurer
and his
duties.</sup> SEC. 6. The treasurer of said city shall be treasurer of said board: *Provided*, That if, in the judgment of the board, the interests of said school district shall seem to demand it, the said board may appoint some other person, and he shall keep all moneys belonging to said schools separate from the moneys belonging to the corporation of said city, and he shall not pay out or expend the school moneys without the authority of said board, and it shall be his duty to pay all orders of said board to extent of funds in his hands on presentation thereof.

^{Quorum.} SEC. 7. The majority of the members of said board shall constitute a quorum, and the said board shall meet at least once each month in such place in said city as they may designate; said board shall succeed to and exercise all the powers and perform all the duties of school inspectors for said city, and the office of school inspector is hereby abolished, except as vested in and executed by said board. The proceedings of each meeting of said board shall be published in one or more newspapers of Alpena, as soon as possible after the adjournment.

<sup>Publication
of proceed-
ings.</sup> SEC. 8. The board of education shall have full power and authority, and it shall be their duty, to purchase school sites, improve and ornament the same, build and furnish school

houses, and apply for and receive from the county treasurer or other officer all moneys appropriated for primary schools and district library of said city, and to designate a place where the library may be kept therein; the said board shall also have full power and authority to make by-laws and ordinances relative to taking the census of all children in said city between the ages of five and twenty years; relative to making all necessary reports and transmitting the same to the proper officer, as designated by law, so that said city may be entitled to its proportion of the primary school fund; relative to visitation of schools; relative to the length of time schools shall be kept, which shall not be less than three months in each year; relative to the employment and examination of teachers, their powers and duties; relative to regulations of schools and the books to be used therein; relative to the appointment of necessary officers and prescribe their powers and duties; relative to anything whatever that may advance the interests of education, the good government and prosperity of common schools in said city, and the welfare of the public concerning the same.

Sec. 9. Said board shall have power and it shall be their duty annually to estimate by vote, which shall be entered in the records of their proceedings, the amount of money necessary to be raised by tax on the property of said district to defray the expenses of the schools of said district for the current year, and the amount necessary to pay the interest and principal of any unliquidated debt due within such year for such district, to build or repair any school house in said district, and to file said estimates with the common council of said city. It shall be the duty of the common council to ^{Review by} _{council.} review said estimates, and said council may reduce such estimates but shall not increase or add to them, and shall by resolution determine what portion of said estimates shall be assessed and raised by tax upon the property of said district; and the sum determined by them as aforesaid shall be certified ^{Sum deter-} _{certified to} ^{mined upon} _{comptroller.} by the council to the comptroller of said city, and it shall be

Comptroller the duty of the comptroller to cause the same to be assessed to assess. on the taxable property in said district on the city tax roll of the same year, in the manner provided in the charter of said city, and the same shall be collected at the same time, and the treasurer of said city shall have the same authority, and may resort to the same modes, by virtue of the said roll and the warrant annexed, these to collect, the same as other taxes therein mentioned. Said board of education shall cause said estimates to be made and filed with said council on or before the first Monday in May, and said council shall certify the same by them determined, as provided in this section, to the comptroller, on or before the third Monday in May of the same year: *Provided*, That the amount which may be raised by tax or borrowed in any one year, for the use of said district, shall not exceed the sum of one thousand dollars, over and above the amount required for the payment of teachers and the other incidental expenses of carrying on the schools in said district, unless the amount so to be raised shall be first authorized by a vote of a majority of the legal voters of said district at the annual, or some special school district meeting to be held in said district.

<sup>Bond of
treasurer.</sup> SEC. 10. The treasurer of said board shall, before entering upon his duties under this act, enter into such bonds to said board, and with such sureties as may be deemed necessary, conditioned for the faithful discharge of his duties under this act, which bonds shall be approved by the board, and filed with the clerk of said board.

<sup>Annual
statement to
be published
by the board</sup> SEC. 11. The said board shall, annually, in the month of August, publish in some newspaper of the city a statement of the number of schools in said city, the number of pupils instructed therein during the year preceding, the several branches of education pursued by them, and the expenditures for all things authorized by this act during the preceding year.

<sup>District
library.</sup> SEC. 12. The board of education shall establish a district library, and for the increase of the same the common council

are authorized, and they shall annually lay a tax on the real and personal property within said city, of a sum not exceeding two hundred dollars, which tax shall be levied and collected in the same manner as the moneys raised to defray the general expenses of the city.

SEC. 13. Said board shall also have power to establish a high school, and prescribe the course of study for the same, and to grant certificates of scholarship, and in such form as they shall deem proper to pupils completing satisfactorily the said course of study, and also to appoint a superintendent of the public schools under the charge of said board, with such salary and with such powers and duties as shall be prescribed by said board of education.

SEC. 14. Said board of education, hereby organized, shall succeed to, and be entitled to demand and receive, all moneys or other rights, of whatsoever name or nature, belonging to union school district number one of the township of Alpena, to the same extent as the said last named district could do had this act not been passed, and all real and personal property situate in said city hitherto belonging thereto, shall, by force of this act, become the property of said union school district hereby organized, and all moneys raised or being raised by tax, or accrued or accruing to said former district shall hereby become the money of said union school district; and no tax for said district, or other proceeding, shall be invalidated or affected by the change in the organization of said district by means of this act.

SEC. 15. All debts and liabilities of said union school district number one, of the township of Alpena, whether in the form of bonds or other express contracts, or in any other form, and whether liquidated or not, shall become the debts and liabilities of said union school district of the city of Alpena to the extent as they existed, and were valid against such former district; and said union school district hereby organized shall be subject to be sued in the same manner, and

all other proper and suitable proceedings against it may be taken as though it had been the original debtor, and in no such suit or proceeding shall the defense be urged or allowed that said school district number one was not a valid organization, but said school district number one is hereby declared to have been duly organized, and its organization shall be deemed a valid school district by the name aforesaid, from the date of the organization of said district to the time when this shall

Proviso.
Certain sum
to be paid to
said district
No. 1.

take effect: *Provided*, That the union school district of the city of Alpena shall pay to the union school district number one of the township of Alpena, out of the school taxes assessed and collected in the said union school district number one of the township of Alpena, such sum as shall be sufficient and necessary to support and maintain schools in all the school-houses now built in the union school district number one of the township of Alpena, and not situated within the limits of the city of Alpena, for the period of four months during the present year.

Assessment roll. SEC. 16. All taxes which have been or may hereafter be assessed and levied by the common council or recorder of said city under and by virtue of this act, shall be set forth in the assessment roll of said city, in a separate column apart and distinguished from all other city taxes, and the treasurer of said city shall collect and is hereby authorized and required to collect such taxes in money; and said treasurer shall not be required or permitted to receive in payment of such taxes any liabilities or evidences of debt against said city, and said money shall only be paid out on the order of said board of education.

SEC. 17. All acts or parts of acts, so far as they relate to the city of Alpena, inconsistent with this act, are hereby repealed, and it shall not be necessary to elect any school district officers in said city, as heretofore required by law.

SEC. 18. The board of education are hereby authorized, at any time they may think best for the interest of the city of

Alpena, or any ward thereof, to call a meeting of the tax-paying voters of said city, and submit to the voters there assembled, a proposition to build any school-house in any ward of said city, which proposition, if accepted by said meeting, the amount needed to build such school-house shall be certified by the board of education of the city, who shall levy the same upon the taxable property of said city of Alpena in the same manner as the other school taxes of said city, as provided by the charter: *Provided*, That the amount so levied shall in no year exceed five thousand dollars; and at least one week's notice of such meeting be given in each of the papers published in said city: *Provided further*, That at any such election the members of the board of education shall be the inspectors of the election, that the vote shall be by ballot, and that no person shall vote in such meetings who is not liable to pay a school tax in said city.

SEC. 19. The removal of any member of the board of education of said city from the ward for which he was elected trustee or school inspector, after such election, shall not operate to vacate his office; but notwithstanding such removal, any inspector or trustee so removing shall continue to hold his said office, and to be a member of said board, and all provisions of any act or acts which make such removal a vacation of said office, are hereby repealed: *Provided*, The removal of such member shall not be from the city.

SEC. 20. Union school district number one of the township of Alpena, as at present constituted, except the territory hereby detached from said district by this act, shall be and remain a body corporate under and by virtue of act number four hundred and ninety of laws of eighteen hundred and sixty-seven, and on the third Monday of April next, the electors of said union school district number one of the township of Alpena shall meet at the boarding house, at a place known as Trowbridge Dam in said township, and elect six trustees for said district, to fill the unexpired terms of office made vacant

Trustees elected by ballot. by reason of detaching the aforesaid territory from said district. Said trustees shall be elected by ballot, and the polls shall be opened at nine o'clock in the morning and be closed at four in the afternoon, and Noble M. Brackenreid, Richard Naylor, and John Newton, shall act as the inspectors of said election, and in case one or more of said inspectors should not be present, their places may be supplied by other electors of the district to be chosen *viva voce* by the electors present at the time of opening the polls. Said election shall in all other respects be conducted and governed in accordance with the existing primary school law as near as may be. Within ten days after said election, said trustees shall meet and elect of their number one moderator, one director, and one assessor.

Election, how conducted. It shall be the duty of the sheriff of the county of Alpena to cause notices of said election to be given by posting up written or printed notices, specifying the time and place of such election, in three or more public places in said last named district, at least ten days before said election. The said board of trustees shall apportion the amount of tax to be levied upon the taxable property of the several townships composing said district, and the amount to be raised in each township, which amount so apportioned shall be in proportion to the amount of taxable property in said district, situated in the several townships, as shall appear from the assessment rolls of the several townships as equalized by the board of supervisors of the county of Alpena; and said amounts, when determined by said trustees, shall be by them certified to the supervisors of the several townships composing said last named district. It shall be the duty of each of the said supervisors to assess the sums certified as aforesaid, upon the taxable property appearing upon said assessment rolls, situated within said district, in the same manner that school taxes are required to be assessed and collected under the primary school laws of this State.

Election of moderator, director, and assessor. Notice of election.

Trustees to apportion tax among townships, etc. When determined to be certified to supervisors.

Supervisors to assess sums so certified.

SEC. 21. This act shall take immediate effect.

Approved April 4, 1873.

[No. 355.]

AN ACT to legalize the action of the joint board of school inspectors in the formation of school district number one, Bloomingdale and Columbia, in the county of Van Buren.

SECTION 1. *The People of the State of Michigan enact*, That the action of the joint board of school inspectors for the townships of Bloomingdale and Columbia, in the county of Van Buren, in the formation of school district number one, Bloomingdale and Columbia, in said townships, in the year eighteen hundred and seventy-one, be and the same is hereby declared to be in all respects legal and valid, the same as if no part of said district had been formed from territory belonging to a district in which was a graded school, and the written consent of the majority of the trustees of such district had been obtained as required by law.

Action of
joint board
of inspect-
ors legalised

SEC. 2. This act shall take immediate effect.

Approved April 10, 1873.

[No. 356.]

AN ACT to detach certain lands from the town of Brooklyn, and attach the same to the town of Columbia, in the county of Jackson; and detach certain lands from the town of Columbia, and attach the same to the town of Napoleon.

SECTION 1. *The People of the State of Michigan enact*, That the following parcels and sections of land in the county of Jackson be and the same are hereby detached from the town of Brooklyn, and attached to the town of Columbia, viz.: The east one-fourth, or eighty rods from the east part, of sections twelve, thirteen, twenty-four, twenty-five, and thirty-six, of township number four south, range one east, and sections seven, eight, sixteen, seventeen, nineteen, twenty-nine, thirty, thirty-one, and thirty-two, in township number four south, of range two east; and to detach from the town of Columbia the

Lands de-
tached from
Brooklyn
and attached
to Columbia

Lands de-
tached from
Columbia
and attached
to Napoleon.
Proviso.

south half of sections four, five, and six, and attach th
to the town of Napoleon, all in the county of Ja
Provided, That this act shall not affect the term of c
any justice of the peace residing within the distr
detached.

SEC. 2. This act shall take immediate effect.

Approved April 10, 1873.

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[No. 357.]

AN ACT to authorize the township of Swan Creek
chase of the Swan Creek and Saginaw bridge comp
bridge across the Tittabawasse river, and to hold th
as a toll bridge.

Township
authorized
to purchase
bridge.

SECTION 1. *The People of the State of Michigan enact*
the township of Swan Creek, in the county of Sagi
hereby authorized to purchase of the Swan Creek an
naw bridge company, the bridge across the Tittab
river, in the county of Saginaw, built by, and belonging
company, at and for a price not exceeding one dollar;

Money to be raise the money by a tax upon the taxable property
raised by
tax or bonds township, or to issue the bonds of said township, pay
one year from the date thereof, with interest not exceedi
per cent per annum, to pay therefor: *Provided*,

Proviso
relative to
vote of
electors.

majority of the qualified electors of said township,
annual township meeting thereof, shall first vote in f
purchasing said bridge and raising the money by a ta
the taxable property of said township, or issuing the b
said township to pay therefor: *And provided further*

Further
proviso.

before any vote shall be taken upon the question afores
township clerk of said township shall give ten days' no
writing, to be posted up in three of the most public pl
said township, that the question of purchasing said bri
raising the money by a tax upon the taxable property

Clerk to
give notice.

township, or issuing the bonds of the township to pay therefor, will be submitted to the electors of said township, at the annual township meeting then next ensuing; and such vote shall be a *viva voce* vote, and shall be taken immediately after the election of overseers of highways; and it shall be the duty of the clerk of said township to give such notice, and the notice required by section two of this act, whenever he shall be so requested in writing by any five electors of said township.

SEC. 2. If a majority of the electors of said township, at any annual township meeting, shall vote in favor of purchasing ^{When township board to purchase bridge.} said bridge, and raising the money by a tax upon, or issuing the bonds of said township to pay therefor, it shall be the duty of the township board of said township, to purchase said bridge of said company for and in behalf of said township, if the same can be done for a sum not exceeding one dollar. And ^{When purchased} upon such purchase being effected, said township shall succeed ^{rights and franchises transferred.} to all the rights, powers, and franchises of said company in respect to said bridge; and thereafter said bridge shall be under the control of the township board of said township: *Provided*, That the electors of said township, at any annual township meeting thereof, may, by a majority vote of such electors, taken in the manner and at the time required by section one of this act, declare said bridge a free bridge; and thereafter said bridge shall be under the control of the commissioners of highways of said township, the same as other bridges therein: *Provided further*, That before the question ^{Further proviso.} of declaring it a free bridge shall be voted upon, the clerk of said township shall give notice that such question will be submitted to the electors of said township at the annual township meeting next thereafter, and such notice shall be given in the manner and of the time required by section one.

SEC. 3. The township clerk of said township shall file with the county clerk of the county of Saginaw a certified copy of ^{Filing of resolutions, etc. of township meetings.} all resolutions, votes, and proceedings passed, taken, or had,

relating to said bridge, at any annual township meeting in said township, within ten days after such annual meeting, and shall keep a correct record of all the acts and proceedings of the township board, relating to its control of said bridge.

Persons appointed to collect tolls shall give bonds.

SEC. 4. The person appointed by the township board of said township to collect and receive the tolls of said bridge shall give a bond to the township of Swan Creek, in such sum and with such surety or sureties as may be determined by said township board, conditioned to faithfully account to said township board for, and on the first Monday of every month, to pay over to the treasurer of said township all moneys that may come to his hands by virtue of his appointment, and belonging to said township.

SEC. 5. This act shall take immediate effect.

Approved April 10, 1873.

[No. 358.]

AN ACT to repeal an act entitled "An act to provide for laying out and establishing a State road from town twenty-four north, of range four east, to the meridian," being act four hundred and forty-three of the session laws of eighteen hundred and seventy-one, approved April fifteen, eighteen hundred and seventy-one.

Act repealed

SECTION 1. *The People of the State of Michigan enact*, That an act, entitled "An act to provide for the laying out and establishing a State road from town twenty-four north, of range four east, to the meridian," being act number four hundred and forty-three of the session laws of eighteen hundred and seventy-one, approved April fifteen, eighteen hundred and seventy-one, be and the same is hereby repealed.

Approved April 10, 1873.

[No. 359.]

AN ACT to amend sections one, seven, eight, fifteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, and twenty-three, of act number ninety, of the session laws of eighteen hundred and fifty-three, entitled "An act to amend the laws relative to supplying the city of Detroit with pure and wholesome water, and to provide for the completion and management of the Detroit water-works," approved February fourteen, eighteen hundred and fifty-three.

SECTION 1. *The People of the State of Michigan enact, That* ^{Section amended.} section one, of act number ninety, of the session laws of eighteen hundred and fifty-three, entitled "An act to amend the laws relative to supplying the city of Detroit with pure and wholesome water, and to provide for the completion and management of the Detroit water-works," approved February fourteen, eighteen hundred and fifty-three, be and the same is hereby amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact, That* ^{First board.} Shubael Conant, Henry Ledyard, Edmund A. Brush, William R. Noyes, and James A. VanDyke, be and they are hereby named and constituted as a board of water commissioners of the city of Detroit. They and their successors in office shall ^{Corporate name.} be known by the name of "The board of water commissioners of the city of Detroit," and in their corporate name are ^{Powers and duties.} hereby empowered to take and hold by purchase or otherwise, such franchises, and real and personal property, either within or without the limits of said city, as may be needful or convenient for carrying out the intents and purposes of this act; to sell and convey or lease the same whenever required by the interests of the city; to make contracts, to establish all reasonable rules and regulations to protect the rights and property vested in the board, and to aid it in the performance of the duties imposed upon it. The board may adopt and have ^{To make contracts, etc.} a common seal, and may sue and shall be subject to be sued ^{May adopt a common seal.} in all courts of record, in like cases, as natural persons. The

Property exempt from taxation. property of the board, whether within or without the limits of the city of Detroit, shall be exempt from all taxes and assessments of every kind. No writ of attachment or writ of execution shall be levied upon the property of said board.

Section amended. SEC. 2. Section seven of said act shall be amended so as to read as follows:

Powers and duties of commissioners relative to the erection of buildings, etc. SEC. 7. Said commissioners shall have power, and it shall be their duty, at all times, whenever necessary funds are provided, to erect and maintain, within or without said city, such reservoirs, buildings, machinery, and fixtures, and to lay such pipes and construct such aqueducts and other works, and secure and maintain the same, as shall be required to furnish a full supply of water for public and private use in said city, and to conduct, discharge, dispose of, and distribute the same.

Relative to purchasing and holding property. The commissioners may take by gift, purchase, lease, or otherwise, as hereinafter provided, and hold such real and personal estate, and create such rights therein, as may be necessary for the purposes aforesaid. Whenever any lands are taken by said board, without the consent of the owner, as hereinafter provided, the commissioners shall cause to be recorded in the office of the register of deeds of Wayne county, a certificate, giving the name of the owner (if known) at the time of such taking, and a sufficiently certain description of said land.

Relative to laying pipes, etc., beneath the surface of the soil belonging to persons or private corporations. Whenever pipes, aqueducts, or other works are laid or constructed by the board beneath the surface of the soil belonging to any person or private corporation, the commissioners shall, in like manner, cause to be recorded a certificate containing the name of the person or corporation (if known), owning the soil at the time such pipes, aqueducts, or works are laid or constructed therein, a brief description of the land in which they are situated, their general character and direction, and such further statements thereof as shall enable persons to determine their location with reasonable certainty. Such certificates shall be signed by the president and secretary of the board, and recorded and indexed as deeds, in which the

wner of the land is the grantor, and the board of water commissioners of the city of Detroit is the grantee. The record hereof shall be deemed public notice of all matters therein contained. The register shall receive the usual fees for recording such certificates.

SEC. 3. Section eight of said act shall be amended so as read ^{Section amended.} as follows:

SEC. 8. The commissioners shall also provide and erect fire hydrants at such localities in said city as may be deemed necessary, and ordered by the fire commission or the common council of said city, provided that the expense thereof shall be paid from the funds of said fire commission, when their erection is ordered by the fire commission, or from the appropriate fund of the city when ordered by the common council; and for the purposes of this act, to conduct pipes, aqueducts, or other works, over or under any water course, or under any street, alley, turnpike road, railroad, highway, or other way, within or without the city of Detroit, but in such a manner as not to unnecessarily obstruct or impede travel thereon; and they may at all times enter upon and dig up, with like restrictions as to travel, such street, alley, road, or way, to lay such pipes, or construct such aqueducts and other works beneath the surface thereof, and to maintain and repair, or renew, the same, turning the street, alley, or way, to its former condition so far as may be. The commissioners may erect drinking hydrants for public use to each block in said city, and keep the same in repair; and with the consent of the common council of the city, they may also erect fountains in such public grounds of the city as they may deem expedient.

SEC. 4. Section fifteen of said act shall be and the same is ^{Section amended.} hereby amended so as to read as follows:

SEC. 15. The material of all pipes, aqueducts, and other works laid or constructed above or beneath the soil of any person or private corporation, shall be and remain the sole property of the board, and subject to its exclusive control and

*Powers and
duties relative
to the
erection of
fire hydrants
etc.*

*Relative to
the erection
of drinking
hydrants,
etc.*

*Material,
etc., prop-
erty of board.*

management, and no person shall interfere or meddle therewith without the written assent of the board, signed by its president and secretary.

Section amended. SEC. 5. Section seventeen of said act shall be amended so as to read as follows:

Authority to make surveys and agree on damages to property. SEC. 17. The commissioners, and under their directions their agents, servants, and workmen, may enter upon any public or private land or water for the purpose of making all necessary surveys, and for maintaining their pipes, aqueducts and other works, and doing any other act necessary to carry into effect the purposes herein expressed. They may also agree with all persons interested in private property as to the compensation to be paid for damages thereto by their own act or the authorized acts of their agents and employes. Upon such agreements being made, the board shall forthwith pay the amount agreed upon.

Section amended. SEC. 6. Section eighteen of said act shall be amended so as to read as follows:

Power of board to use private property. SEC. 18. The board shall have the power to take in fee, or to enter upon and use private property or land, within or without the limits of the city of Detroit, for the purposes specified in this act. In case all the persons interested in said property or lands, and the commissioners, shall not be able to agree upon the compensation to be paid for such taking, or for such entry upon and use of said lands for the laying of pipes and the construction of aqueducts or other works beneath the surface thereof, and maintaining and renewing the same when necessary, the commissioners shall tender or cause to be tendered to said persons severally, such sums of money as the board shall deem a just compensation therefor; and the acceptance of the money so tendered shall be a bar to any subsequent claim of compensation for such taking or for such entry and use. But if any of said persons shall not accept said money, or if any of them be infants, insane, residents without the State, or unknown, the commissioners, by themselves, or by attorney

Proceedings when agreement cannot be made as to amount of compensation.

Tender of compensation.

When tender is not accepted.

shall present to the circuit court for the county of Wayne a petition in the name of the board, setting forth a description of the several parcels of property which they seek to acquire, and of the lands upon which they demand the right of entry and use, as aforesaid, and for which said tender has been refused; the amount tendered for each parcel, and the date of tender; the names of the persons interested therein, and their residences; who of said parties are infants, and their ages, if known; who are insane; who are non-residents, and who are unknown, and the character of their several interests so far as the commissioners can discover; whether title to the same is sought by the board, or merely the right of entry and use for the above mentioned purposes. The petition shall also demand a jury to determine the necessity of taking said property, or of entering upon and using said land therein described, and the compensation to be paid to the several persons therefor, and shall be verified by the oath of one of the commissioners. Before such petition is presented to the court, a copy thereof shall be served upon all the persons named therein whose interests will be affected by said proceeding. The copy of the petition so served shall be accompanied by a brief notice, directed to said persons, stating that said petition will be presented and application made to said court on a day and hour certain therein named, for a jury in accordance with the demand thereof. If all of the persons interested reside within one hundred miles of the city of Detroit, such service shall be made at least six days prior to the day designated in the notice for the presentation and application. When any of said persons reside over one hundred miles from said city, but within the State, such service shall be made on the persons so residing at least twelve days prior to the presentation and application aforesaid. If any of said persons shall reside without the State, or be unknown, legal service may be had upon him or them by notice published semi-weekly for three successive weeks, immediately

Commissioners to petition to circuit court
Contents of petition.
Copy to be served.
Accompanied by notice.
Time of service.
If non-resident, how served.

To whom directed and what to contain. preceding the presentation and application, in two newspapers in said city. The notice shall be directed to person or persons (if known), and shall briefly describe property or land to be affected by the proceeding, title in fee to the same is sought to be acquired by the and if so, to what part or portion, or merely the entry upon and use of land for the purpose of laying constructing aqueducts or other works beneath the maintaining and renewing the same when necessary notice shall also state when the petition will be presented to the court and application for jury made. When such resident or unknown person has an acknowledged agent serving the property or land residing and present in this State, service of a copy of the petition and notice according the same may be had upon the agent instead of application, in which case the same time before said presentation and application shall be allowed to his principal as he resided more than one hundred miles from said city within the State. The practice in making the service section directed, shall, except as herein otherwise provided as prescribed by section twenty-four hundred and eightieth the compiled laws of eighteen hundred and seven Service of such other papers as may be necessary in proceeding, and not hereby provided for, shall be made as

When court shall appoint special guardian of infants or insane parties when they have no infants, etc. by the court. The court shall also appoint special guardian of infants or insane parties when they have no infants, etc.

Section amended.

SEC. 7. Section nineteen of said act shall be so amended to read as follows:

Proceedings when jury is demanded

SEC. 19. On presenting such petition to the court time appointed, together with due proof of service of thereof, and notice as hereinbefore directed, all persons estate or interest in said property or land are to be affected by the proceedings, whether named in the petition or not, and shall show cause why the demand for a jury should not be granted.

and the court shall hear the proofs and allegations of the parties. If no sufficient cause be shown against granting such demand, the court shall immediately make an order to summon twelve freeholders of said county, to ascertain and determine the necessity of taking such property by the said commissioners, or of entering upon and using said land for the purposes aforesaid, and to appraise and determine the compensation to be allowed therefor; and thereupon the court shall direct the sheriff of said county to make a written list of twenty-four freeholders of the county, and otherwise qualified to sit as jurors and residing not more than ten miles from the property or land to be affected by said proceedings. Before making such list, the sheriff shall be sworn by the court to select such persons according to his best judgment, and without favor or partiality to either party. From such list, the commissioners or their attorney may strike off six names, and the persons interested in said lands or property, six names, and in case either of them refuse to do so, or none of said persons interested are present by themselves or by attorney, the court shall strike from said list six names, so as to leave only twelve names thereon. A *venire* in the usual form, shall then issue from said court, containing the twelve names remaining on said list, and commanding the persons therein named to appear as jurors at the Wayne county court room, at a time not less than five nor more than ten days from the date of said *venire*, which shall be served by the sheriff at least two days before the return day thereof; service and return of said writ shall be made as in other cases. If, at the time and place specified in the *venire*, any of the persons named therein fail to appear; or if, of those appearing, any be found exempt, or shall be excused by the court, or be rejected on challenge (the right to challenge for cause being hereby reserved, as in other cases), the court may direct the sheriff to forthwith summon as many persons qualified to act as jurors, as not being rejected on challenge for cause, or

When jurors
fail to appear, etc.

~~Court shall impose fine.~~ excused, may be necessary. The court shall impose a fine of not less than three dollars on any person duly summoned as a juror and failing to attend, unless satisfactory reason for such failure shall be shown. The jury being so empaneled as above provided, shall then be sworn to discharge their duties faithfully, impartially, and according to the best of their ability. No view of the premises to be affected by the proceeding shall be necessary, unless the jury desire it, or a demand therefor be made by some of the parties, in which case the jury shall proceed to view said premises under charge of the sheriff, as in other cases where a view is permitted or ordered by the court. None of the commissioners, or persons interested, or their attorneys or agents, shall be allowed to accompany said jury. A plat of said property, when capable of being platted, showing the portion to which title in fee is sought to be acquired by the commissioners; or (where only the right of entry thereon and use for the purposes above stated is sought) showing the location of the pipes, aqueducts, or other works proposed to be laid or constructed beneath the surface thereof, made and certified by the official surveyor of the board (if there be such surveyor), or by the surveyor of said city, shall be placed in the hands of the jury for their inspection. Immediately after such view is had, or, if there be none, then after the jury is sworn, if no adjournment for good cause be granted, they shall proceed at the bar of said court, and in its presence, and under its direction as to matters of law, to hear and try all questions of fact as to the necessity of the taking of said property by the board, or of the entry upon, by the commissioners, and using said land for the purposes aforesaid, and to determine according to their best judgment the just compensation to be paid therefor to the several persons interested. The commissioners shall have the right to open and close the case, and the court shall charge the jury as to such matters of law as shall be deemed necessary. The jury shall then retire for deliberation upon their verdict to be

~~Jury shall be sworn.~~

~~May view premises.~~

~~Not to be accompanied by interested persons.~~

~~Plat of property to be placed in hands of jury.~~

~~Jury to try cause.~~

~~Commissioners may open and close cause.~~

rendered, and shall remain together until they agree as to the ^{verdict or} question of necessity of taking or of entering upon and using ^{jury.} said property or land, and if such necessity be found, then as to the amount of compensation to be paid to the several persons interested therein: *Provided*, That the court may in ^{Proviso.} its discretion discharge the jury if it shall become apparent that they cannot agree. When the jury have agreed upon ^{To be ren- dered in} their verdict, they shall render the same in open court, and it ^{open court} shall be recorded by the clerk and in their presence; and the ^{and recorded by} same being read to them, the jurors shall severally give their assent thereto. The verdict shall describe the property to be ^{what to contain.} taken by the board where title therein is sought, and shall give a general description of the land upon which the commissioners seek the right of entry and use for the purpose of laying pipes and constructing aqueducts or other works beneath the surface thereof, and maintaining and renewing the same when necessary, together with their proposed location on said land, the names of the persons interested in said property or land, and the several amounts awarded by the jury to each of them, and the court shall thereupon pronounce judgment against the board and in favor of said several persons for said amounts. The practice upon the trial of said matters not ^{Practice upon trial.} herein otherwise provided for, shall, so far as may be, conform with the trial of issues of fact in courts of record in this State. If the jury shall be unable to agree and shall be discharged by the court, the commissioners may again commence and carry on new proceedings in like manner in all respects as above provided. Within twenty days after the verdict for compensation shall have been rendered, the board shall pay or tender to the respective persons the several amounts awarded to them by the jury, and in case any person shall refuse to accept the same, be unknown, or reside without the State, or cannot with reasonable diligence be found, or for any reasons be incapacitated to receive such money, or the right thereto be disputed or doubtful, the ^{When jury cannot agree commissioners may commence new proceedings.} ^{Payment or tender of amounts awarded.}

same may be deposited in court to abide the order of the court, and to be paid over to the person entitled and competent to receive it. Upon failure of the board to make such payment, tender, or deposit, within the time above specified, except when an appeal has been taken as hereinafter provided, such failure shall be considered an abandonment of the proceedings as to the person or persons entitled thereto. If at any time

*Payment in
case there
are adverse
claimants.*

before verdict it shall appear to the court that there are adverse or conflicting claimants to the money or any part of it to be paid as compensation for the property or land to be affected, an order may be entered in said proceedings directing the money, or such part as may be necessary, to be paid into court by the commissioners within said twenty days, and the court may subsequently determine who is entitled to the same, and direct to whom the same shall be paid, and may, in its discretion, order a reference to ascertain the facts. Whenever the commissioners pay any award of compensation, they shall be entitled to a receipt for such money, and if the same be refused, they may pay the same into court as if tender thereof had been made and refused. At any time before verdict the

*Commissioners
entitled to
receipt.*

*When board
may discon-
tinue pro-
ceedings.*

board may, after sufficient cause shown, and upon leave, discontinue all proceedings against any or all of the persons interested, and in case such discontinuance shall be had as to only a portion of said persons, the court shall award them such costs as it may deem just to be paid by the board; and if the discontinuance be had as to all of said persons, the commissioners shall pay all costs of the proceeding. In case of discontinuance as to part or all of said persons, the court may

*Court may
allow attor-
ney fee.*

also allow a reasonable attorney fee, to be taxed against the board. When tender has been made by the board to any persons interested, before the presentation of the petition and application as hereinbefore directed, and the jury shall award to such persons no greater compensation than the sum tendered, the court shall allow against him and in favor of the board such costs as may be just, and the same may be deducted

Costs.

on the amount to be paid to such person. No attorney fees shall be allowed to the board, and no such fee shall be allowed to any persons except to those who on the trial of said matter have actually appeared by attorney. The costs and fees to be allowed in such proceedings shall be such as are provided by the general laws of the State, and where no provision is made, then such as the court may direct. All question of costs, except as in this act provided, shall be in the discretion of the court. When payment or tender or deposit has been made by the commissioners as above required, they shall be entitled to, and may take, exclusive possession of said property and land, and shall hold the same in fee, and may at all times erect such reservoirs, buildings, machinery, and fixtures thereon, as the board may deem necessary or proper to carry out the purposes of this act, or where only the right of use, as aforesaid, has been sought and obtained by the board, and shall have the perpetual right to enter upon said land, and lay pipes, and construct aqueducts and other works beneath the surface thereof, and to maintain and renew the same whenever necessary, but in no other place or portion of said land than that decided upon in said proceedings.

SEC. 8. Section twenty of said act shall be and is hereby ^{Section amended.} enacted so as to read as follows:

SEC. 20. Any person interested in said property or land, appealing himself aggrieved by the verdict of the jury and the judgment rendered thereon, and who shall not have received the compensation awarded him, may appeal to the Supreme Court, by filing in writing with the clerk of said circuit court, a notice of such appeal and specifications of the errors complained of, within ten days after the rendering of said verdict and pronouncing said judgment, and serving within the same time a copy thereof upon the board, and filing a bond ^{Filing of notice with clerk, etc.} with said clerk, to be approved by the judge of the court or a circuit court commissioner of said county, conditioned to prosecute said appeal to effect, and pay all costs that may be

adjudged against him in case said verdict and judgment be affirmed. On filing of said bond the clerk shall, as soon as practicable, transmit to the Supreme Court a certified copy of all of said proceedings on file in his office. The Supreme Court shall, at the next term thereafter, hear and determine the matter of said appeal, and affirm or reverse said verdict and judgment; but the same shall not be reversed for any mere matter of form, nor for errors except errors of law, and only in regard to the appellant or appellants. The court shall give judgment for reasonable costs and expenses in the matter of the appeal; and all costs and expenses awarded to the commissioners, in case of affirmation, shall be applied on and deducted from the compensation to be paid the appellant or appellants against whom the judgment and verdict below have been affirmed. When the verdict and judgment are reversed, the Supreme Court may direct the proceeding before the same or a new jury, and may make such further direction or order in the premises as may be necessary. The second verdict and judgment shall be final and conclusive; and the commissioners shall pay, tender, or deposit the sums of money awarded as compensation, on such second verdict, within twenty days after its rendition, or forfeit all rights thereunder. When the original verdict and judgment shall have been reversed, in whole or in part, and the commissioners shall desire a second verdict, they shall serve notice of application for a new jury, or the calling together the former jury (as the case may be), for that purpose, only on the successful appellants. No second service of the petition shall be necessary, but the notice shall be sufficiently specific to afford the parties entitled thereto full information of the intention of the commissioners to demand a second verdict and judgment. All other proceedings to obtain a second verdict and judgment shall be as nearly as practicable like those to obtain the first. If the commissioners shall fail or neglect to give said notice for ninety days after reversal of verdict and

Clerk shall transmit copy of proceedings to court.

When court shall try cause.

Judgment.

Proceedings when verdict and judgment are reversed.

Second verdict final and conclusive.

When commissioners desire second verdict they shall serve notice for new jury.

judgment, they shall be deemed to have abandoned said proceedings. If said appeal shall have been taken before the payment, tender, or deposit above provided for, the obligation of the board to make the same shall be suspended pending the appeal, but shall be made within twenty days after affirmation of said verdict and judgment, when the same is affirmed, otherwise within the same period after a second verdict and judgment is rendered. The appeal shall not prevent the board from taking possession of said property or from using said land for the purposes of this act; and in case the commissioners shall deem that public necessity so require, they may enter upon and take such possession or make such use of said property or land, first filing with the clerk of said court a bond approved by the judge thereof, or by the recorder of said city, in such penal sum as said judge or recorder may determine, conditioned that the board will pay to all persons interested, and particularly to the appellants, within the time above limited therefor, all such sums of money as shall be finally awarded to them as compensation in said proceedings. Said bond shall also contain such other conditions or stipulations as the said judge or recorder shall think necessary to save said persons harmless from loss or damage: And thereupon the commissioners may take possession of or enter upon and use the property and land as aforesaid.

Failure to serve notice abandonment of proceedings.

When appeal is taken before tender, etc.

Appeal not to prevent board from taking possession of property.

SEC. 9. Section twenty-one of said act shall be amended so as to read as follows:

SEC. 21. If any person shall willfully do or cause to be done, any act whereby any work, materials, or property whatsoever, erected or used within or without the city of Detroit by the commissioners, or by any person acting under their authority, for the purpose of procuring or keeping a supply of water, shall be injured, or shall willfully throw or place, or cause to be thrown or placed, any carcass of any dead animal or person, or any other deleterious or filthy substance whatever, in any reservoir, pipe, or aqueduct of said board, through which water

Section amended.

Penalty for damaging water works

for public or private use is conveyed, or shall throw or place, or cause to be thrown or placed, any such carcass, deleterious or filthy substance into the Detroit river or Lake St. Clair, within a distance of six miles above any inlet pipe of said board extending into said river, and through which said supply of water or any part thereof is received, or do, or cause to be done, any other act to willfully pollute said water, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or imprisonment in the Detroit house of correction for a period not exceeding two years, or both, at the discretion of the court before which the case is tried. The commissioners shall erect notices of so much of this section as relates to reservoirs and the Detroit river and Lake St. Clair at conspicuous points on such reservoirs and along the American shore of said river and lake within the distance above mentioned, and for this purpose they or their agents shall have the right to enter upon private property.

Commissioners shall
erect notices

Section
amended.

SEC. 10. Section twenty-two of said act shall be and the same is hereby amended so as to read as follows:

Penalty for
injuring
works.

SEC. 22. If any person shall, without authority of the commissioners or their proper agents, perforate or bore, or cause to be perforated or bored, any distributing pipe, main, log, or aqueduct, belonging to said works of this board, or make, or cause to be made, any connection or communication with said pipes, aqueducts, or logs, or meddle with or move the same, or any machinery, apparatus, or fixture of the board, or take down, or deface any of the notices provided for in the last section, or cause the same to be done, the person so offending shall, on conviction, be punished by a fine not exceeding one hundred dollars, and shall also be sentenced to imprisonment in the Detroit house of correction until such fine be paid, not exceeding six months. Any person who shall willfully and maliciously break or cut any inlet pipe, main, distributing pipe, log, or aqueduct, used by the commissioners for conduct-

ng said water, or shall dig into, or break up, any reservoir
lled, or partially filled, with water, or shall break or injure
ny pumping engine, or any part thereof, or any of the
achinery connected therewith, belonging to said board, or
use any of said acts to be done, shall be deemed guilty of
lony, and upon conviction thereof shall be punished by
mprisonment in the State Prison not more than five years, or
y a fine not exceeding one thousand dollars, and imprison-
ment in the jail of said Wayne county not more than one
ear. All violations of the provisions of this act shall, ^{When violations of this act to be tried in recorder's court.} when committed within the limits of the city of Detroit, be
ried in the recorder's court of said city, and when committed
eyond said limits, they shall be tried in the circuit court for
he county of Wayne.

SEC. 11. Section twenty-three of said act shall be amended ^{Section amended.} o as to read as follows:

SEC. 23. The commissioners shall have power to extend ^{Power of commissioners to extend pipes, etc.} heir distributing pipes, aqueducts, and mains, and erect
hydrants, without the limits of said city, and to regulate, pro-
ect, and control such portions of their works, and the water
upply therefrom, in the same manner that they may regulate,
protect, and control their works, and the water supply within
he city: *Provided*, That before any water shall be supplied ^{Proviso relative to supplying persons outside of city limits with water.} to any person or persons residing outside of the limits of the
ity, the entire cost of the distributing pipes necessary to
upply such person or persons shall be paid to the said
oard, and all such distributing pipes through which any
ater shall be supplied by said water board, shall be the prop-
erty of said board, and form part of its system of distribu-
ng pipes: *And provided further*, That at least double the ^{Further proviso.} usual rates shall be charged by said board for any water
pplied to persons residing outside the city limits; they
all also have all such other and further powers and rights
ot herein granted as are given to water boards by the general
ws of this State, and as are not inconsistent with the powers

<sup>When board
may issue
new bonds.</sup> and rights herein granted. If the said board shall at any time not have funds on hand sufficient to meet and pay any of the bonds heretofore issued by said board at the time when they shall become due, they shall have the right to issue new bonds for such amounts and on such time as they shall deem expedient, in the place of the bonds so becoming due as aforesaid, or such part thereof as said board shall be unable then to pay; <sup>Old bond
shall be can-
celled.</sup> the said old bonds shall be taken up and cancelled, and such cancellation recorded or otherwise indicated in the registry thereof, and the new bonds shall be recorded in the registry in which said old bonds were recorded, as provided by the law under which said old bonds were issued.

<sup>New bonds
to be record-
ed.</sup>

SEC. 12. This act shall take immediate effect.

Approved April 12, 1873.

[No. 360.]

AN ACT to change the time of the annual meeting of St. Peter's (Protestant Episcopal) church, in the city of Hillsdale, from Wednesday to Monday in Easter week, and to increase the number of vestrymen of said church from six to seven.

<sup>Time of
annual
meeting.</sup>

SECTION 1. *The People of the State of Michigan enact*, That the annual meeting of St. Peter's (Protestant Episcopal) church, in the city of Hillsdale, shall be held on Monday in Easter week, in the year one thousand eight hundred and seventy-three; and thereafter the annual meeting of said church shall be held on Monday in Easter week of each year.

<sup>Election of
vestrymen.</sup>

SEC. 2. The qualified voters of St. Peter's (Protestant Episcopal) church, in the city of Hillsdale, at the annual meeting of said church, on Monday in Easter week, in the year one thousand eight hundred and seventy-three, shall elect seven vestrymen; and thereafter the vestry of said church shall consist of seven members, to be elected annually, in the manner, and shall hold their office for the time prescribed in

er one hundred and eight of the compiled laws; and said men shall succeed to all the rights, franchises, duties and tions of their predecessors.

3. This act shall take immediate effect.

proved April 12, 1873.

[No. 361.]

ACT to repeal act number four hundred and twenty-five session laws of eighteen hundred and seventy-one, titled "An act to detach certain real estate from school rict number one (1), fractional of Parma, Sandstone, cord, and Spring Harbor, and attaching the same to ol district number three (3) of Parma.

TION 1. *The People of the State of Michigan enact*, That ~~act repealed~~ number four hundred and twenty-five of the session laws eighteen hundred and seventy-one be and the same is hereby ed; and the territory described in the said act shall be the control of the boards of school inspectors of the l towns, the same as though the said act had never been xe.

. 2. This act shall take immediate effect.

proved April 12, 1873.

[No. 362.]

ACT to repeal act number four hundred and nineteen of session laws of eighteen hundred and seventy-one, being act to provide for the laying out and constructing a State l in Isabella county.

TION 1. *The People of the State of Michigan enact*, That ~~act repealed~~ number four hundred and nineteen of the session laws of en hundred and seventy-one, being an act to provide for ring out and constructing a State road in Isabella county, l the same is hereby repealed, and all funds appropriated

~~Funds not expended to be returned.~~ by said act and not legally expended, are hereby returned to the towns from which they were taken.

SEC. 2. This act shall take immediate effect.

Approved April 12, 1873.

[No. 363.]

AN ACT to provide for the appointment of a stenographer for the recorder's court of the city of Detroit.

~~Governor to appoint.~~ SECTION 1. *The People of the State of Michigan enact*, That the Governor shall have power to appoint a stenographer for the recorder's court of the city of Detroit.

~~Stenographer deemed off-icer or court, his duty and salary.~~ SEC. 2. The person so appointed shall be deemed an officer and of the court, and it shall be his duty to attend at each session thereof, and to take full stenographic notes of the testimony

and of the charge of the court in all cases brought in the name of the People of the State of Michigan, and for the performance of this duty he shall receive as a compensation a salary of twelve hundred dollars per annum, which shall be paid in monthly installments, out of the county treasury.

~~Temporary absence of stenographer.~~ SEC. 3. In case of the sickness or temporary absence of the stenographer, the recorder may appoint some competent person to act in his stead.

SEC. 4. This act shall take immediate effect.

Received at Executive Office April 4, 1873. *

[No. 364.]

AN ACT to provide for the laying out and constructing a State road in the county of Lapeer, State of Michigan, and making an appropriation of non-resident highway taxes to aid in constructing the same.

~~Commissioner to be appointed.~~ SECTION 1. *The People of the State of Michigan enact*, That there shall be laid out and established, by a commissioner to

* Became a law under section 14 of Article IV. of the Constitution, without the approval of the Governor.

be appointed by the Governor, a State road, commencing at ^{Line of road} the northwest corner of the township of Imlay, and the southwest corner of the township of Goodland, in the county of Lapeer, running directly east on the township line of said townships to a point five miles east from said place of beginning. Said road to be known as the Imlay and Goodland ^{Name of road.} State road.

SEC. 2. It shall be the duty of said commissioner, within ^{Location.} three months after his appointment, to proceed to lay out and establish said road, and to cause the same to be surveyed and a description thereof to be filed in the office of the township clerk of the townships through which said road shall pass; and it shall be the duty of the township clerk to record the same, and such records shall be *prima facie* evidence of the existence of such road.

SEC. 3. In cases where damages may be claimed by reason ^{Damages.} of laying out and establishing said road, the same proceedings shall be had thereon as may be required by law for the assessment of damages in case of roads laid out by highway commissioners.

SEC. 4. For the purpose of constructing said road, there is ^{Non-resident highway tax two way tax appropriated.} hereby appropriated all the non-resident highway tax two miles each side of the line of said road for the term of three years from and after the passage of this act.

SEC. 5. Any overseer of highways or township treasurer having received any portion of such non-resident highway tax, shall, on demand of the special commissioner herein provided for, pay over to such special commissioner any such sum of money; and such commissioner's receipt shall release such overseer or treasurer from liability.

SEC. 6. Such special commissioner shall receive for his services the sum of two dollars per day, which, including the expenses of survey, shall be paid out of the non-resident highway tax hereby appropriated, and it shall be his duty to render, under oath, to the board of supervisors of the county of

Accounts of Lapeer, at their annual session, a true account of the receipts same. and disbursements of all the money received by him during each year, from such townships respectively.

Commissioner to give bond. SEC. 7. Said commissioner, before he shall receive any moneys so collected as aforesaid, shall make and execute to the people of the State of Michigan a bond in the sum of two thousand dollars, with sureties as the county clerk shall approve, that he will faithfully apply all moneys received by him in virtue of this act, which bonds shall be filed with the county clerk.

SEC. 8. This act shall take immediate effect.

Approved April 15, 1873.

[No. 365.]

AN ACT to provide for the payment of certain ditch orders in the county of Clinton.

Preamble. Whereas, The drain commissioners of Clinton county assessed certain State lands for the construction of Dutch Gap ditch previous to the time when said lands were taxable by law for ditch purposes, thereby leaving the payment of a portion of the ditch orders unprovided for,

Commissioner to report the amount of outstanding orders and interest. SECTION 1. *The People of the State of Michigan enact*, That the drain commissioner of the county of Clinton be and he is hereby required to report to the board of supervisors of said county, at the next annual session thereof, the amount of outstanding orders on said ditch, with accrued interest; and said board of supervisors shall assess said amount upon the county at large, and order the same paid over to the county treasurer.

Supervisors to assess the amount, etc. The money so collected shall be paid for the redemption of the orders aforesaid, and for no other purpose.

Approved April 15, 1873.

[No. 366.]

AN ACT to set off from union school district number one, of Wyoming and Georgetown, so much of said district as is located in the county of Ottawa.

SECTION 1. *The People of the State of Michigan enact*, That ^{Territory set off.} so much of union school district number one, of Wyoming and Georgetown, as lies west of the line dividing Kent and Ottawa county, be and the same is hereby set off from said union school district, and the people of said portion of said district are relieved from all further liability ^{Rights and liability of people of territory so set off.} to taxation for the support of the school of said district, and are at liberty to either form a new school district, or to unite with the district next adjoining thereto, within the county of Ottawa, as they may elect: *Provided*, The treasurer of the ^{Proviso.} town of Georgetown, in said Ottawa county, pay to the treasurer of said school district the sum of six hundred dollars, on or before the first day of June next, being a portion of the money now in his hands collected for said district, and being in full settlement of the rights of the respective interests on such separation: *And provided further*, That all suits which ^{Further proviso.} may have been commenced, and are now pending and undetermined in any of the courts of the State in relation to said school district, and arising from the organization thereof, shall be withdrawn, without costs, within the same period.

SEC. 2. This act shall take immediate effect.

Approved April 17, 1873.

[No. 367.]

AN ACT authorizing the Hamtramck and Warren Plank Road Association to discontinue a part of their road.

SECTION 1. *The People of the State of Michigan enact*, That ^{When assoc- ciation to discontinue road.} as soon as the Detroit and Prairie Mound Plank Road Association shall have completed their road to the intersection,

Portion to
be discontinued.

Proviso.

near the center of section thirty-three, in township one north, of range twelve east, in the county of Macomb, of the same with the road of the Hamtramck and Warren Plank Road Association, the said Hamtramck and Warren Plank Road Association may and they are hereby authorized to vacate and discontinue that part of their road lying south and east of such intersection, and remove any plank or materials belonging to them therefrom: *Provided*, This shall not authorize them to remove any plank from bridges or culverts on the line of the road thus vacated.

SEC. 2. This act shall take immediate effect.

Approved April 17, 1873.

[No. 368.]

AN ACT to amend sections three and four of an act entitled "An act to provide for the division of the township of Plymouth, Wayne county, into two election districts, for general election purposes," being act number four hundred and fifty-five of the session laws of eighteen hundred and seventy-one.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections three and four of an act entitled "An act to provide for the division of the township of Plymouth, Wayne county, into two election districts, for general election purposes," being act number four hundred and fifty-five of the session laws of eighteen hundred and seventy-one, are hereby amended so as to read as follows:

Manner of
conducting
elections,
etc.

SEC. 3. The said boards of election in each election district shall conduct said elections in such a manner as the law now provides; and after having counted the votes and announced the result as the law directs, that election board of which the clerk is a member shall elect one of their number to take charge of the ballot box and returns of said election district, who shall immediately deliver the same to that board of which

the supervisor is a member, and said board shall then make their returns to the board of county canvassers, in such manner as the law now provides.

SEC. 4. There shall be two copies of the registration lists ^{Registration lists.} made and certified to by the board of registration, one for each election district, containing all the names of qualified electors in each of said election districts for which it was made. Such copies, when so certified to, shall, to all intents and purposes, be as valid as though the original, in possession of the township clerk, was in possession of said election board: *Provided*, Nothing in this act shall be construed to deprive ^{Proviso.} any one of his right to vote, by reason of his removal from one election district to the other within ten days previous to said general election: *And provided further*, That in case ^{Further proviso.} either of the inspectors of election in either of said election districts shall reside in the other election district of said township, he may vote in that election district in which he may be at the time one of the inspectors of election.

SEC. 2. This act shall take immediate effect.

Approved April 17, 1873.

[No. 369.]

AN ACT to amend section three of an act entitled "An act to incorporate the union school district of the city of Owosso," approved March twenty-two, eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact*, That ^{Section amended.} section three of an act entitled "An act to incorporate the union school district of the city of Owosso," approved March twenty-two, eighteen hundred and seventy-one, be and is hereby amended so as to read as follows:

SEC. 3. Within ten days after such annual meeting, the ^{Board of trustees to elect officers.} board of trustees shall meet and elect from their own number a president, secretary, and treasurer, who shall severally hold

their offices for the term of one year and until their successors are duly elected, and whose powers and duties shall be the same as those conferred upon and required of the moderator, director, and assessor of school districts in this State, except so far as the same are varied by this act, and shall be

Officers to make report to county superintendent. *ex officio* school inspectors of said district, with powers and duties of school inspectors of townships, and shall make their reports to the superintendent of schools of the county

Trustees to fill vacancies. of Shiawassee. Said board of trustees shall have power to fill any vacancies which may occur in their number, until the next annual meeting of the district. Said board of trustees

To examine teachers. shall, before hiring any teacher, examine into his or her qualifications; and all teachers employed by said board shall be legally qualified teachers, without further examination by school inspectors.

SEC. 2. This act shall take immediate effect.

Approved April 17, 1873.

[No. 370.]

AN ACT to organize the township of Harring in the county of Wexford.

Township organized. SECTION 1. *The People of the State of Michigan enact,* That township number twenty-two north, of range nine west, in the county of Wexford, be and the same is hereby organized into a separate township, by the name of Harring.

First election. SEC. 2. The first election in said township shall be held at the house of C. S. Harring, on the first Monday of April, eighteen hundred and seventy-three, which said election shall be conducted according to the statutes in such case made and provided; and that C. S. Harring, J. E. Stewart, and J. P. Keating are hereby constituted and appointed inspectors of said election.

Inspectors of same.

SEC. 3. If for any reason the township meeting aforesaid

should not be held at the time named, it shall be lawful to ^{or failure to hold election at specified time.} hold the same on any day thereafter, by giving at least ten days' notice of the time and places [place] of holding such meeting, by posting notices thereof in four of the most public places in said township, which the said board of inspectors are hereby authorized and required to do.

SEC. 4. This act shall take immediate effect.

Approved April 17, 1873.

[No. 371.]

AN ACT to change the name of the First Presbyterian Ecclesiastical Society of Franklin, Lenawee county, Michigan, to the First Congregational Church and Society of Franklin, in said county, and to appoint seven trustees for the same.

SECTION 1. *The People of the State of Michigan enact,* That ^{Name of society changed.} the name of the First Presbyterian Ecclesiastical Society of Franklin, in the county of Lenawee, and State of Michigan, be and the same is hereby changed to the First Congregational Church and Society of Franklin, in the county and State aforesaid, and all the rights, titles, and franchises vested in ^{Rights and franchises vested in new society.} the said First Ecclesiastical Society of Franklin are hereby vested in the First Congregational Church and Society of Franklin, and Edwin Cook, Henry Langdon, Andrew Wil- ^{Trustees.} son, Andrew J. Hunter, James R. Carnes, John Keeney, and Samuel Wilson are constituted the trustees of said church and society.

SEC. 2. This act shall take immediate effect.

Approved April 17, 1873.

[No. 372.]

AN ACT to authorize the Detroit and Prairie Mound Plank-road Company to collect the same tolls as are charged by the Detroit, Hamtramck and Warren Plank-road Association, and to provide for the discontinuance of a part of its road when paved.

Rates of toll. **SECTION 1.** *The People of the State of Michigan enact,* That the Detroit and Prairie Mound plank-road company be empowered and authorized to charge and collect the same rates or amounts for toll as the Hamtramck and Warren plank-road association may be authorized by law to charge and collect: *Provided,* That if this act be accepted by said Detroit and Prairie Mound plank-road company, said company shall be held to have consented to a discontinuance of so much of their road as may at any time be paved by the city of Detroit; and tolls shall not be charged or collected for such part of said road as may be so paved.

*Proviso
relative to
paving, etc.*

SEC. 2. This act shall take immediate effect.

Approved April 17, 1873.

[No. 373.]

AN ACT to authorize the board of supervisors of Ionia county to apportion and cause to be levied a tax in the year of our Lord one thousand eight hundred and seventy-three, upon certain portions of fractional school district number five, of the townships of Portland, Danby, Orange, and Sebewa.

*Board of
supervisors
authorized
to apportion
tax.*

SECTION 1. *The People of the State of Michigan enact,* That the board of supervisors of the county of Ionia is hereby authorized, at the next annual meeting of said board to be held in the month of October, in the year of our Lord one thousand eight hundred and seventy-three, to place upon the assessment and tax rolls of the townships of Danby, Sebewa, and Orange, in said county, the sum of one hundred and fifty dollars and ninety-one cents, and to apportion the same as fol-

lows, to wit: On the assessment and tax roll of the township of Danby, the sum of sixty-seven dollars and twenty-three cents; on the assessment and tax roll of the township of Sebewa, the sum of forty-four dollars and ninety-eight cents; on the assessment and tax roll of the township of Orange, the sum of thirty-eight dollars and seventy cents.

SEC. 2. The supervisors of each of said towns are hereby authorized and directed to levy the several sums so placed upon their respective assessment and tax rolls upon the taxable property of said townships, situate in fractional school district number five (5), of Portland, Danby, Sebewa, and Orange.

SEC. 3. The township treasurers of each of said towns of Danby, Sebewa, and Orange, are hereby authorized and empowered to collect the taxes so levied as aforesaid, and when collected they and each of them are directed to pay the same to the township treasurer of the township of Portland aforesaid, and take receipt therefor.

SEC. 4. The township treasurer of the township of Portland shall, as soon as he shall receive the moneys so collected as aforesaid, immediately notify the supervisor of the township of Portland thereof, who shall, within ten days after receiving said notice, make a true and correct apportionment among the citizens of the township of Portland, who resided, in the year eighteen hundred and seventy-one, in fractional school district number five (5) of Portland, Danby, Sebewa, and Orange, and paid taxes in said year upon property situate in said school district, which apportionment shall be made according to the assessment and tax roll of the year eighteen hundred and seventy-one; and said supervisor shall, as soon as said apportionment is completed, draw orders upon the township treasurer of Portland for the amounts to which each citizen is entitled, which orders shall be paid out of the moneys so received, and not otherwise.

SEC. 5. This act shall take immediate effect.

Approved April 18, 1873.

[No. 374.]

AN ACT to amend section one of act number three hundred and thirty-three of the session laws of eighteen hundred and sixty-nine, entitled "An act appropriating certain non-resident highway taxes for the improvement of the Ovid and St. Charles State road," and to repeal so much of the session laws of eighteen hundred and sixty-nine, approved April three, eighteen hundred and sixty-nine, as relates to the non-resident highway taxes of township number ten north, of range one west.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of act number three hundred and thirty-three of the session laws of eighteen hundred and sixty-nine, entitled "An act appropriating certain non-resident highway taxes for the improvement of the Ovid and St. Charles State road," approved March twenty-four, eighteen hundred and sixty-nine, and to repeal so much of act number four hundred and forty-three of the session laws of eighteen hundred and sixty-nine, approved April three, eighteen hundred and sixty-nine, as relates to the non-resident highway taxes of township ten north, of range one west, be and the same is hereby amended so as to read as follows:

Non-resident highway taxes appropriated

SEC. 1. All the non-resident highway taxes assessed and unexpended for the year eighteen hundred and seventy-two, and all non-resident highway taxes hereafter to be assessed for five years, on all lands lying within one mile on either side of so much of the Ovid and St. Charles State road as is situated in the township of Elba, in Gratiot county; also on the east half of the township of Hamilton, in said county, be and the same is hereby appropriated for the improvement of the said State road: *Provided*, That the money so appropriated shall be expended in the townships in which the same shall be assessed.

Proviso.
Portion of act repealed.

[SEC. 2. So much of act number four hundred and forty-three of the session laws of eighteen hundred and sixty-nine, approved April third, eighteen hundred and sixty-nine, as

relates to the non-resident taxes of township number ten north, of range number one west, is hereby repealed.]

Approved April 18, 1873.

[No. 375.]

AN ACT to establish a uniformity of text books in the public schools of Berrien county.

SECTION 1. *The People of the State of Michigan enact, That* Board for establishment of a uniformity of text books. the persons hereinafter mentioned shall be and the same are hereby constituted a board for the establishment of a uniformity of text books in the public schools of Berrien county. The persons constituting such board shall be the county superintendent of common schools in each county, and one school inspector, or other person, from each township; such inspector, or other person, to be appointed by the inspectors of such township, who shall give the person so appointed a certificate of such appointment, which certificate shall be filed with the county clerk of such county at or before the meeting of such board.

SEC. 2. The county superintendent shall preside at the meetings of such board, and in all cases of a tie, shall give the casting vote. In the absence of the county superintendent such board may elect one of their number to preside. The county clerk shall be the clerk thereof, but shall not be entitled to a vote, and shall keep a record of the proceedings of such board in a book provided for that purpose, the daily proceedings of such board to be signed by himself and the county superintendent, or other person presiding in his absence.

SEC. 3. It shall be the duty of the county clerk to cause to be published, at the expense of the county, in at least two of the leading weekly newspapers of the State, for a period of four weeks next preceding the first day of July, in the year of our Lord one thousand eight hundred and seventy-three, and every

five years thereafter, a notice stating that the county clerk of said county will receive, until the first day of August next ensuing, samples of text books designed for instruction and use in the public schools in the following branches, to-wit: Spelling, reading, writing, geography, arithmetic, grammar, book-keeping, philosophy, history, science of government, and algebra; also, sealed proposals stating the price and terms upon which the parties sending any sample will furnish and keep for sale, for the ensuing five years, at such places as the board may designate, a supply of such books for the use of the public schools of such county, and that ample security will be required for the faithful performance of each and every contract made in pursuance of such notice.

**Samples,
etc., to be
delivered
sealed to
board.**

SEC. 4. All samples and proposals received by such clerk shall remain sealed while in his possession, and he shall deliver them sealed to such board at their next meeting.

**Board to
select from
samples.**

SEC. 5. Such board are hereby authorized, and it is made their duty, on or before the first day of August, in the year of our Lord one thousand eight hundred and seventy-three, and on or before said date every fifth year thereafter, to select from such samples as may be delivered to them by the clerk, or from any other source, a list of such books as they may deem best suited for instruction and use in the public schools of such county, said list not to exceed one book of a kind in each

**Branches of
study for
which books
are to be
selected.**

grade of the following branches to-wit: Spelling, reading, writing, geography, arithmetic, grammar, book-keeping, philosophy, history, science of government, and algebra, but no

**Contract for
furnishing
to be in
writing.**

selection shall be deemed to be made until a written contract shall be entered into with the person or persons proposing to sell or furnish such books, and who shall execute bonds to the county jointly and severally, with good and sufficient sureties, in such penal sums as the said board shall require for the faithful performance of such contract. Such contract shall specify the kinds of books to be furnished, the places where they shall be kept for sale, and the retail price to be

**Persons
proposing
to sell to
give bonds.**

**Contract,
what to
specify.**

paid for each book, and shall be signed by the clerk, the chair-^{By whom signed.} man of the board, and the person or persons entering into contract; such contract and bond shall be filed in the office ^{Contract and bond,} of the county treasurer of such county, and the board shall ^{where filed.} cause the list so selected to be published in all the weekly ^{Board to publish list.} newspapers published in the county, during the four weeks ^{selected.} subsequent to the making of such selection, and the list, so selected, shall be and remain authoritative and binding, throughout said county, for and during five years from and after September first, in the year of our Lord one thousand eight hundred and seventy-three, and each five years thereafter, and said board shall not make any revision after eighteen hundred and seventy-three, nor cause to be changed the same kind of book oftener than once in five years.

SEC. 6. If at any time the parties contracting to furnish such books fail to fulfill such contract, a special meeting of ^{Relative to failure to fulfill contract.} such board may be called, as hereinafter provided, and may take such action thereon as in their judgment is required; and they are hereby authorized to declare such contract void, and to change such books on account of such failure to fulfill, but for no other reason; and it shall be the duty of the county treasurer forthwith to prosecute the bonds of such delinquent contractor.

SEC. 7. The county clerk shall give notice of the time and place of the regular meetings of such board, by publication at ^{County clerk to give notice of regular meetings of board.} least once a week for three successive weeks previous to such meeting, in at least two newspapers published in the county, or if there be but one newspaper in the county, in such newspaper; and when the county clerk shall receive a complaint in writing, signed by at least nine (9) inspectors, that the books are not furnished as per contract, he shall call a special meeting of the board, in the same manner as is above prescribed for calling regular meetings. ^{May call special meetings.}

SEC. 8. After the first day of January, in the year of our Lord one thousand eight hundred and seventy-four, the town-

When township treasurer shall not pay over any school moneys to any school district in his township until a certificate has been filed with such township treasurer, signed by one of the inspectors of the township, and certifying that the text books selected in accordance with the provisions of this law, are in use in such school district.

Districts exempt from operations of this law.

SEC. 9. School districts numbering over three hundred children, drawing primary school money, and sustaining a graded school therein, may be exempted from the operation of this law if a majority of the legal voters of such district shall so decide at their annual school meeting or at a special meeting called for that purpose. And no fractional school district embracing territory in two or more counties shall be subject to its operation, unless the school-house of such fractional district is situated in the county in which such uniformity of text-books is adopted.

Quorum.

SEC. 10. A majority of the members of such board shall constitute a quorum for the transaction of business, and for carrying out the provisions of this law; but it shall require the consent of a majority of all the members of such board to establish any text book.

Compensation of members of board.

SEC. 11. The compensation of the members of such board, except the county superintendent, shall be the same as the compensation of the jurors of the circuit court, and they shall be paid by the county treasurer, upon the certificate or order of the county clerk. The county superintendent shall receive no pay as a member of such board.

SEC. 12. This act shall take immediate effect.

Approved April 19, 1873.

[No. 376.]

AN ACT to correct and legalize the deeds, mortgages, and contracts executed by and to the First Methodist Episcopal Church in the city of Grand Rapids.

SECTION 1. *The People of the State of Michigan enact, That*

all deeds, mortgages, and contracts heretofore made and executed by or to the First Methodist Episcopal Church Society in the city of Grand Rapids, under the name of the "Division Street Methodist Episcopal Church of the city of Grand Rapids," or under any other name, which were intended to have been made and executed by or to the "First Methodist Episcopal Church in the city of Grand Rapids," are hereby declared legal, and shall have the same force and effect as if they had been made and executed by or to said society under the name of the "First Methodist Episcopal Church in the city of Grand Rapids."

SEC. 2. The said society shall be entitled to the same rights and subject to the same liabilities as though such deeds, mortgages, and contracts had been executed in and through its proper name.

Approved April 19, 1873.

[No. 377.]

AN ACT to confer certain powers upon the board of county auditors for the county of Wayne.

SECTION 1. *The People of the State of Michigan enact,* That the board of county auditors of Wayne county shall adjust and audit, before payment, all claims against the county relating to the poor, in like manner as other claims against the county are adjusted and audited, for which services the members of said board shall each receive an annual compensation of two hundred dollars, in addition to the salary already granted them by law.

SEC. 2. The said board of auditors shall also audit and allow to the clerk of said county, the annual sum of thirty-five hundred dollars for clerk hire, to be paid by the county, in monthly installments, which sum, in addition to the salary of said clerk, as already fixed by law, shall be in full for any and

Deeds and
mortgages
legalized.

Rights and
liabilities of
society.

Duty of
board.

Shall audit
and allow
for clerk
hire.

all clerical services, which said clerk or his deputies may render for said county or any of its boards.

SEC. 3. This act shall take immediate effect.

Approved April 19, 1873.

[No. 378.]

AN ACT to prevent accidents while crossing on the ice on Spring Lake, in the counties of Ottawa and Muskegon.

Persons removing ice shall build fence.

Height and prominence of fence.

Penalty for violating act.

SECTION 1. *The People of the State of Michigan enact, That it shall be unlawful for any person to remove ice from Spring Lake, in the counties of Ottawa and Muskegon, unless he shall place a fence around the place from which such ice is removed; said fence to be at least four feet high and of sufficient strength and prominence to warn persons or teams of danger night or day.*

SEC. 2. Any person violating this act or neglecting to comply with its provisions shall, on conviction, be liable to a fine not exceeding one hundred dollars or to imprisonment in the county jail sixty days, to be determined by a court of competent jurisdiction, and shall be liable for all damages which may arise from such violation or neglect.

Approved April 22, 1873.

[No. 379.]

AN ACT to organize the township of Sibley, in Keweenaw county.

Township organized.

SECTION 1. *The People of the State of Michigan enact, That all that part of Keweenaw county, designated and described as surveyed township fifty-eight north, of range twenty-nine west, and fractional township fifty-eight north, of range twenty-eight west, and fractional township fifty-eight north, of range twenty-seven west, be and the same is hereby set off from the township of Copper Harbor, and organized into a separate township, to be called and known as Sibley.*

SEC. 2. The first township meeting in said township shall be held on the first Monday of June next, at the office of the Mendota mining company, in said township; and A. Cushman Bishop, George Bailey, and Elisha Cline, are hereby authorized to act as the first inspectors of the said election to elect township officers; and in case of any vacancy in said number of inspectors, from absence or other cause, the electors present shall choose an inspector to fill such vacancy by a *viva voce* vote.

SEC. 3. There shall be reserved for the use of the township of Sibley, by the township treasurer of the township of Copper Harbor, the following taxes collected from that portion of the township of Copper Harbor now forming the township of Sibley, for the year eighteen hundred and seventy-two, viz.: road tax, school tax, poor tax, and (as headed in said roll for the year eighteen hundred and seventy-two), "Sibley township old unlevied highway tax," which sum total of said taxes shall be paid by said treasurer of Copper Harbor to the treasurer of Sibley, upon his written order for the same.

SEC. 4. If for any reason said township election shall not be held at the time herein appointed, it shall be lawful to hold the same at such time and place in said township as may be designated by said board of inspectors, in giving at least ten days' notice thereof, in four of the most public places in said township, which notice the said board of inspectors are hereby authorized and required to give.

SEC. 5. This act shall take immediate effect.

Approved April 22, 1873.

[No. 380.]

AN ACT to provide for the laying out and constructing a State road in Sanilac county, to be known as the Elmer State road.

SECTION 1. *The People of the State of Michigan enact, That* Thomas Kirkbride, of Sanilac county, be and is hereby ^{Commissioner appointed}

Line of road appointed commissioner, with full power and authority to lay out, establish, and improve a State road, commencing at or near the village of Tyre, in the township of Austin, Sanilac county, running thence southerly, on the most eligible route, to the town line between townships ten and eleven north, of range fourteen east.

Location of road. SEC. 2. It shall be the duty of the said commissioner, within three months after this act shall take effect, to proceed to lay out and establish said road, and to cause a description thereof to be filed with each of the township clerks of the townships through which said road shall pass, whose duty it shall be to record the same; and such record shall be *prima facie* evidence of the existence of such road.

Damages. SEC. 3. In all cases where damages may be claimed by reason of laying out and establishing said road, the same proceedings shall be had thereon as may be required by law for the assessment of damages in cases of roads laid out by highway commissioners.

Non-resident highway tax appropriated. SEC. 4. For the purpose of constructing said road, there is hereby appropriated all the non-resident highway tax three miles on each side of the line of said road, not otherwise appropriated, for the term of three years from the passage of this act.

State not liable for damages, etc. SEC. 5. The State shall not be liable for any expenses or damage sustained by reason of this act; but the townships through which said road shall pass shall pay for the survey and necessary expenses, and shall also pay the commissioner two dollars per day for his services for the time necessarily and actually expended by him.

Compensation of commissioner, etc. SEC. 6. Any overseer of highways receiving or collecting any such non-resident highway tax by authority of his office, shall pay over the same to the treasurer of his township, on or before the first day of November in each and every year; and every township treasurer, receiving or collecting any such non-resident highway tax aforesaid, shall pay over the same

Collecting and paying over of moneys to special commissioner.

to the county treasurer; and said county treasurer shall pay over said money to the special commissioner, herein provided for, upon the demand of said commissioner; and said commissioner shall give to said treasurer his receipt for the same.

SEC. 7. It shall be the duty of said special commissioner to render to the board of supervisors of said county, at their annual session, a true account, on oath or affirmation, of the receipt and disbursement of all money received by him, during each year, from such townships respectively.

SEC. 8. Said commissioner, before he shall be entitled to receive any moneys so collected as aforesaid, shall make and execute to the county treasurer of said county a bond, in the sum of two thousand five hundred dollars, with such sureties as the said county treasurer shall approve, conditioned that he will faithfully apply, according to law, all moneys received by him in virtue of this act; which bond shall be filed in the office of the county clerk of said county.

SEC. 9. The board of supervisors of the county of Sanilac shall have power, and it shall be their duty, to fill any vacancy that may occur on account of death, neglect, or refusal of said commissioner to serve under the provisions of this act.

SEC. 10. This act shall take immediate effect.

Approved April 23, 1873.

[No. 381.]

AN ACT to attach school district number five of the township of Hudson to the incorporated school district known as "The public schools of the village of Hudson."

SECTION 1. *The People of the State of Michigan enact, That* all the territory now included in school district number five of the township of Hudson, to wit: The east subdivision of the southwest fractional quarter, and the southeast quarter of section seven, except ten acres off the northeast corner of said southeast quarter, the south five-eighths of the southwest

quarter of section eight, the west half of the northwest and the southwest quarter of section seventeen, all that part of sections eighteen and nineteen lying east of Bear Creek, and the northwest quarter and the north two-thirds of the southwest quarter, and the north two-thirds of the west one-eighth of the southeast quarter of section twenty, all in the township of Hudson, be and the same is hereby attached to the incorporated school district known as "The public schools of the village of Hudson:" *Provided*, That the question of such union of districts shall be submitted to the legal voters of each of said districts at a special meeting to be held for that purpose on the thirtieth day of June, eighteen hundred and seventy-three, at seven o'clock in the afternoon, in such districts respectively, of which special meetings the district boards of such districts shall give the notice required by law; and if at said special meetings a majority of the legal voters present and voting at such meetings respectively shall vote in favor of such union, the school district boards of said districts shall, under their hands, make a certificate of such vote, and file the same with the township clerk, to be by him recorded in the book of records of the township board of

District board to give notice of meeting.

To make certificate of votes.

Certificate to be filed with township clerk and by him recorded.

Conditions upon which inspectors may attach other territory.

SEC. 2. The school inspectors of the township of Hudson and Pittsfield may (the consent of the trustees of said public schools being first obtained) attach to said public schools any portion of territory in their respective townships contiguous to said public schools district, as in their judgment the public good requires, and the record of their doings, with the assent

of said trustees, made in the book of records of said inspectors, shall be as evidence that said territory is so attached and forms a part of and is included in the boundaries of said public schools.

SEC. 3. Said public schools shall hereafter hold their annual school meeting on the day fixed by law for holding annual school meetings in the school districts of this State.

Time for
holding
annual
school
meeting.

SEC. 4. This act shall take immediate effect.

Approved April 24, 1873.

[No. 382.]

AN ACT to change the name of the town of Brooklyn, Jackson county, to that of Norvell, and to fix the boundary thereof.

SECTION 1. *The People of the State of Michigan enact,* That the town of Brooklyn, in the county of Jackson, shall here-^{name}_{changed}. after be known as the town of Norvell; and that section number sixteen in township four south, of range two east be and the same is hereby detached from the town of Columbia, and attached to the said town of Norvell, heretofore known as the town of Brooklyn; and that sections numbers eighteen and twenty, in said township four south, of range two east, be and the same hereby are detached from the town heretofore known as the town of Brooklyn, and by this act named Norvell, and attached to the town of Columbia, all in the county of Jackson.

Territory
detached
from Col-
umbia and
attached to
Norvell.

Territory
detached
from Nor-
vell and
attached to
Columbia.

SEC. 2. This act shall take immediate effect.

Approved April 24, 1873.

[No. 383.]

AN ACT to authorize the city of Hastings, in the county of Barry, to borrow money for bridge purposes within said city, and issue bonds therefor.

SECTION 1. *The People of the State of Michigan enact,* That

Common
council
authorized
to borrow
money.

Issue of
bonds there-
for.

Proviso.

Council to
assess and
collect a
sinking fund

To be ap-
plied to pay-
ment of
principal of
bonds.

To assess
and collect
annually
amount
due for
interest.

Question of
loan may be
submitted
to electors.

Notice and
manner of
conducting
election.

the common council of the city of Hastings be and hereby authorized and empowered to borrow, on the fail credit of said city, a sum not exceeding thirty thousand dollars, for a term not exceeding ten years, and at a rate of interest not exceeding ten per cent per annum, and to execute coupon bonds of said city therefor, under the seal of said city, in such manner as the common council shall determine such bonds shall not be disposed of at less than their value: *And provided*, That in case of the issue of said bonds the common council shall have power, and it shall be their duty, in addition to any taxes now authorized by law assessed and collected in said city, to assess and collect in each year an amount equal to one-tenth of the said bonds as a sinking fund for the payment thereof, which money, when collected, shall be applied to the payment of the principal of said bonds, and to no other purpose whatsoever; and also to assess and collect annually, in addition to all other taxes provided by law, the amount which may be due as interest on said bonds, which interest shall fall due and be payable at Hastings National Bank, in said city of Hastings, on the first day of January in each and every year, and be paid to the treasurer of said city on presentation of the coupons.

SEC. 2. That for the purpose of determining whether a loan shall be made, the common council may at any annual city election, or any special election called for that purpose, provide for a vote thereon by ballot; and every ballot in favor of said loan shall have printed or written, or partly printed and partly written thereon the words, "For the Bridge loan"; and every ballot against said loan shall have printed or written, or partly printed and partly written thereon the words, "Against the Bridge loan." Notice of the time and place of holding said election in each of the wards of said city of Hastings shall be given by the publication thereof in a newspaper printed in said city for at least thirty days previous to said election, and by posting such notice, printed

hand bill form, in type not less in size than great primer, in ten of the most public places in each of said wards, for the same length of time; and said election shall be conducted in all respects as other city elections. The board of election in each of said wards shall file a certificate of the result of said election in their respective wards, within twenty-four hours after the close of the polls, with the recorder of said city; and the common council of said city shall, on the second day next succeeding said election, provided the second day be not the first day of the week, commonly called Sunday, or any legal holiday, and in either of said cases, then on the next succeeding day, at the hour of seven o'clock in the afternoon, meet at the office of the recorder of said city, and canvass and declare the result of said election; and no such loan shall be made unless a majority of the votes cast at said election are in favor of said loan: *And provided*, That no election shall be held pursuant to the provision of this act after the first day of January, in the year of our Lord, one thousand eight hundred and seventy-seven.

SEC. 3. Any money borrowed under the provisions of this act shall be expended in the erection of an iron bridge or bridges across the Thornapple river, and an iron bridge over the mill pond, on Green street, in said city, and grading the approaches thereto, and in grading the approach to the iron bridge over the Thornapple river, on Broadway, and for no other purpose whatever.

SEC. 4. This act shall take immediate effect.

Approved April 24, 1873.

[No. 384.]

AN ACT to amend sections two (2), four (4), five (5), and six (6), of an act entitled "An act to provide for laying out and constructing a State road from the northern terminus of the Ovid and St. Charles State road northerly, to intersect the St. Louis and Saginaw plank road, and appropriating certain non-resident highway taxes for the construction of

the same," approved March eighteenth (18th), eighteen hundred and seventy-one, being act number three hundred and fifty-four (354), of the session laws for the year eighteen hundred and seventy-one.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections two (2), four (4), five (5), and six (6), of an act entitled "An act to provide for laying out and constructing a State road from the northern terminus of the Ovid and St. Charles State road, northerly, to intersect the St. Louis and Saginaw plank road, and appropriating certain non-resident highway taxes for the construction of the same," approved March eighteenth (18th,) eighteen hundred and seventy-one, be and the same is amended so as to read as follows :

Commissioner to employ a surveyor to locate and establish line of road.

Description of route to be filed, etc.

Highway taxes apportioned to build road.

SEC. 2. The said commissioner is authorized and empowered to employ a surveyor and such assistants as may be necessary to locate, survey, and establish the line of said road ; and when such line shall have been established, a full description of the route and survey thereof shall be filed by such commissioner with the county clerks of the counties of Gratiot and Saginaw.

SEC. 4. It shall be the duty of the county treasurers of said counties of Gratiot and Saginaw, and any overseer of highways, or the township treasurer of any township, any portion of which shall be situated within the distance of two miles on the west side and three miles on the east side of the line of said road, to retain in their hands all such sums of money as may be received by them for non-resident highway taxes assessed within the time aforesaid on any of the lands hereinbefore mentioned, and to pay the same only upon the order of the said commissioner or his successor.

Commissioner to render account to supervisors.

SEC. 5. It shall be the duty of said commissioner to render to the boards of supervisors of the counties of Gratiot and Saginaw, at their annual session in each year, and at such other times as the boards may require, a full and true account of all moneys received by him to be applied on said road, the amount received from each officer, and the manner in which the same has been applied.

SEC. 6. The said commissioner, before entering upon the ^{Oath of office.} duties of his office, shall take and subscribe the constitutional oath of office, and shall execute a bond to the people of the State of Michigan, in the penal sum of two thousand dollars, with such sureties as shall be approved by the treasurer of ^{Bond to county of} Gratiot county, and a like bond, with such sureties as shall be ^{Approved by the treasurer of Saginaw county, conditioned that To county of Saginaw.} approved by the treasurer of Saginaw county, conditioned that such commissioner will faithfully discharge the duties of said office, and expend all moneys received by him for the benefit of said road, as directed by this act; said oath shall be filed with the treasurer of Gratiot county, and said bonds shall be filed, one each with the treasurers of Gratiot and Saginaw counties. Said commissioner shall receive for his services while ^{Compensation.} engaged in his official duties, as provided by this act, two dollars per day, which shall be audited by the board of supervisors of Gratiot county and paid out of the fund created by this act.

SEC. 2. This act shall take immediate effect.

Approved April 24, 1873.

[No. 385.]

AN ACT to amend section one of an act, entitled "An act to aid in the construction of that part of the Cass river and Bay City State road, established under act number three hundred and forty-five of the laws of eighteen hundred and sixty-five, between the forks of Cass River and Unionville in Tuscola county, and making an appropriation of swamp land therefor," and being act number three hundred and eleven of the session laws of eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact,* That ^{Section amended.} section one of an act, entitled "An act to aid in the construction of that part of the Cass River and Bay City State road, established under act number three hundred and forty-five of the laws of eighteen hundred and sixty-five, between the

forks of Cass river and Unionville in Tuscola county, and making an appropriation of swamp land therefor," and being act number three hundred and eleven of the session laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

Transfer of unexpended appropriation of swamp land

SECTION 1. *The People of the State of Michigan enact,* That the unexpended appropriation of six sections of State swamp land on that part of the Cass river and Wild Fowl Bay State road, in the county of Tuscola, be and the same is hereby transferred and appropriated to aid in the completion of the Cass river and Bay City State road, between Unionville and Cass river, in said county of Tuscola, at least four sections of said appropriation to be expended on the six miles of said Cass river and Bay City State road in the township of Columbia, in said county of Tuscola.

How expended.

SEC. 2. This act shall take immediate effect.

Approved April 24, 1873.

[No. 386.]

AN ACT to organize the township of Lake, in Benzie county.

Territory detached from Platte.

SECTION 1. *The People of the State of Michigan enact,* That all that portion of Benzie county designated and described as surveyed fractional township twenty-seven (27) north, of range fifteen west, be and the same is hereby set off from the township of Platte, and surveyed fractional township twenty-seven (27) north, of range sixteen (16) west, and fractional sections five (5), six (6), and eight (8), of surveyed township twenty-six (26) north, of range fifteen (15) west, and fractional sections one (1), two (2), three (3), and four (4), of surveyed

Territory detached from Crystal Lake.

township twenty-six (26) north, of range sixteen (16) west, be and the same is hereby set off from the township of Crystal Lake, and organized into a separate township, to be called Lake.

Lake organized.

SEC. 2. The first township meeting of said township shall ^{First town-ship meeting} be held at the house of Velorius F. Thurston, on the first Monday in April next, and Velorius F. Thurston, Robert ^{Inspectors of election.} Bancroft, and Jebram Carter, are hereby authorized to act as the first inspectors of said election, to elect township officers; and in case any vacancy in said number of inspectors, from absence or other causes, the electors present shall choose an inspector to fill such vacancy or vacancies, by a *viva voce* vote.

SEC. 3. If said township election shall not be at the time ^{or failure to hold town-ship meet-ing at time named.} herein specified, it shall be lawful to hold the same at such time and place, in such township as may be designated by said board of inspectors, on giving at least ten days' notice thereof, in four of the most public places in said township, which notice the said board of inspectors is hereby authorized to give.

SEC. 4. This act shall take immediate effect.

Passed over the veto of the Governor April 24, 1873.

[No. 387.]

AN ACT for the relief of Henry Bera, late treasurer of the township of Johnstown, in the county of Barry.

Whereas, Henry Bera, of the township of Johnstown, in ^{Preamble.} the county of Barry, while treasurer of said township, in the year eighteen hundred and seventy-one, was robbed of the sum of six hundred dollars, money collected by him, and belonging to said township: therefore,

SECTION 1. *The People of the State of Michigan enact, That* ^{Supervisor shall assess amount in addition to other taxes.} the supervisors [supervisor] of the township of Johnstown, in the county of Barry shall add to, and incorporate with, the amount to be spread upon the tax roll for township purposes, for the year eighteen hundred and seventy-three, the said sum of six hundred dollars, which sum shall be collected as other

To be paid over by township treasurer. township taxes, and, when collected, shall be paid over by the township treasurer to the said Henry Bera.

SEC. 2. This act shall take immediate effect.

Approved April 25, 1873.

[No. 388.]

AN ACT to provide for the construction of a State Road in the county of Mecosta, to be called and known as the "Millbrook and Altona State road."

Commissioner appointed. SECTION 1. *The People of the State of Michigan enact,* That Harrison J. Brown, of the village of Altona, in the township of Hinton and county of Mecosta, be and he is hereby appointed a commissioner, with full power and authority to lay out, establish, construct, and improve a State road, not more than **Line of road** four rods wide, commencing at the southeast corner of section one in the township of Millbrook, in said county of Mecosta, and running thence westwardly on the section line, or as near thereto as the face of the country will reasonably admit of, through the townships of Millbrook, Hinton, and Deerfield, all in said county of Mecosta, until it intersects the Grand Rapids & Indiana railroad in the western part of the township of Deerfield aforesaid, which shall be called and known as the "Millbrook and Altona State Road."

Name of road. SEC. 2. The said commissioner is authorized and empowered to employ a surveyor and such assistants as may be necessary to locate, survey, lay out, and establish the line of said State road.

Surveyor, etc., to be employed to locate road. When the line of said road shall have been established, said commissioner shall make five full and complete descriptions of the route and survey thereof, as established by him, each copy of which, officially signed by said commissioner, shall be deemed an original; he shall cause one copy to be filed in the office of the register of deeds of said county of Mecosta, one copy in the office of the township clerk of each

Survey of route to be filed with township clerks and register of deeds.

of the townships of Millbrook, Hinton, and Deerfield aforesaid, and one copy he shall retain in his own possession. It shall be the duty of the register of deeds to record the copy ^{To be recorded.} filed in his office in the "miscellaneous record," and of the several township clerks aforesaid to record the copies filed in their offices in the record of highways of their respective townships. The fees for recording surveys, as provided in this ^{Fees for recording.} section, shall be ten cents for each one hundred words, which fees said commissioner is authorized and required to pay. Such descriptions of the route and survey of said State road, so ^{Description of route and survey to be evidence in court, etc.} filed and recorded, and the record thereof, or a duly certified transcript therefrom, shall be conclusive evidence in all courts and places of the existence of such road.

SEC. 3. It shall also be the duty of said commissioner, ^{Commissioner to file list of non-resident lands with county treasurer.} within sixty days after the line of said road shall have been established by him, to make and file in the office of the county treasurer of said county of Mecosta, a list containing a full and complete description, by sections and legal subdivisions of sections, of all the non-resident lands lying, in whole or in part, within two miles of the line of said road upon either side thereof. He shall also, within the period of sixty days aforesaid, make and file in the office of the township treasurer of the township of Millbrook aforesaid, a list containing a full and complete description of all the non-resident lands situated in said township, within two miles of the line of said road, upon either side thereof, and he shall also, within the same time, make and file in the offices of the township treasurers of the townships of Hinton, Deerfield, Austin, and Wheatland, in said county of Mecosta, like lists of all such non-resident lands lying within two miles of the line of said road, as may be situated in their respective townships. It shall also be the duty of ^{With overseers of highways.} said commissioner, on or before the first Monday in June in each year, during the period of five years aforesaid, to make and file with every overseer of highways whose district may embrace any part of the non-resident lands lying within two

Commissioner shall correct lists filed with treasurers. miles of said road, upon either side thereof, a full and complete list of all such non-resident lands as may lie within their respective highway districts; and said commissioner shall also, on or before the first Monday in June in each year, after the first, correct the lists on file in the office of the county treasurer and said several township treasurers, by striking therefrom all such descriptions as may have become resident lands and adding thereto all such as may have become non-resident since the filing of such lists or since the last correction; and for the purpose of enabling said commissioner to make the lists and corrections contemplated and provided for in this section, he shall have free access to the assessment rolls and to the highway records of the several townships mentioned in this act.

Highway taxes appropriated. SEC. 4. All highway taxes, not otherwise appropriated, that have been or shall be collected upon the legal subdivisions of all non-resident lands, any portion of which lie within two miles on either side of the line of said road, for the period of five years from and after the first day of December, of the year one thousand eight hundred and seventy-two, shall be and the same are hereby appropriated for the establishment and improvement of said road, and the payment of the expenses necessarily incurred in surveying, laying out, and establishing the same; and it shall be the duty of said commissioner to expend the same for the purposes aforesaid from time to time, as they shall be collected, and to direct and determine the manner in which the same shall be done: *Provided*, That so much of the moneys herein appropriated as shall come from the townships of Millbrook, Hinton, and Deerfield, aforesaid, shall be laid out and expended on such portions of said road as lie within the township where the same are raised; and the moneys raised in the townships of Austin and Wheatland shall be laid out and expended upon such portions of said road as shall be situated within the townships immediately south of them respectively.

Proviso.

SEC. 5. It shall be the duty of the county treasurer of said county of Mecosta, to retain in his hands all [such] sums of money as shall have been or may be received by him for highway taxes upon any and all the descriptions of land which appear upon the commissioner's list on file in his office, for the period of five years from and after the first day of December eighteen hundred and seventy-two, aforesaid, which sums of money shall be paid out only upon the order of said commissioner, or his successor in office. It shall be the duty of every overseer of highways, whose district embraces any part of the non-resident lands lying within two miles of said road, upon either side thereof, during the aforesaid term of five years, to forthwith pay over to the treasurer of his township, any and all [such] sums of money as he may receive for non-resident highway taxes, upon any and all such descriptions of land as may appear upon the aforesaid commissioner's list in his hands. The township treasurers of the townships of Mill-brook, Hinton, Deerfield, Austin, and Wheatland, aforesaid, shall retain in their hands all such sums of money as may be received by them from any source, during the period of five years aforesaid, for non-resident highway taxes on any and all lands embraced in the aforesaid commissioner's list on file in their offices, and pay the same out only upon the order of said commissioner or his successor in office.

SEC. 6. It shall be the duty of said commissioner to render to the board of supervisors of said county of Mecosta a full and true account of the amount, application, and disbursement of all moneys received by him as such commissioner, from any and all sources whatever; such report shall specify the date, amounts, and officer from whom such moneys have been received, as well as date, to whom and for what the same have been paid out; it shall be rendered to said board at the annual meeting thereof in each year, and at such other time or times as said board may direct.

Oath and bond. SEC. 7. The said commissioner, before entering upon the duties of his office, shall take and subscribe the constitutional oath of office, and shall execute a bond to the people of this State in the penal sum of two thousand dollars, with such sureties as the treasurer of said county of Mecosta shall approve, conditioned that such commissioner will faithfully discharge the duties of said office, and expend all moneys received by him for the benefit of said road, as directed by this act, which bond and oath shall be filed with the treasurer of said county; he shall receive for his services, while engaged in the discharge of his official duties as such commissioner, three dollars per day, which shall be paid out of the fund created by this act.

Filling of vacancy. SEC. 8. Any vacancy in the office of commissioner, under this act, may be filled by the board of supervisors of Mecosta county, and any person so appointed to fill such vacancy, shall be subject to and perform all the requirements of this act.

Penalty for neglect of duty. SEC. 9. In case the said commissioner shall neglect or refuse to perform any of the duties of his said office, or [in] case of any misapplication of the funds arising under this act, or of any other misconduct on the part of the said commissioner, it shall be competent for the said board of supervisors, by a two-thirds vote of all the members elect thereof, to remove him from his said office, and declare the same to be vacant.

Approved April 25, 1873.

[No. 389.]

AN ACT to prevent the destruction of fish in Reed's Lake and Fisk's Lake, in the township of Grand Rapids, in the county of Kent.

Fishing forbidden in certain lakes. SECTION 1. *The People of the State of Michigan enact,* That it shall not be lawful hereafter to take or catch any fish in the lake known as Reed's Lake, or the lake known as Fisk's Lake,

in the township of Grand Rapids, in the county of Kent, with the spear, or by shooting them with any fire-arms.

SEC. 2. It shall not be lawful to fish in said lakes or either of them in any manner, or to take and remove any fish therefrom in any manner, at any time during the months of November, December, January, February, March, and April, in any year.

SEC. 3. Any person offending against the provisions of this act shall, on conviction thereof, be liable to a fine of not more than five dollars.

SEC. 4. This act shall take immediate effect.

Approved April 25, 1873.

[No. 390.]

AN ACT for the relief of Henry Gilbert.

Whereas, On the fifth day of June, eighteen hundred and ~~Preamble.~~ sixty-seven, the Inspectors of the State Prison adopted the following resolution :

Resolved, That Henry Gilbert be allowed to build an addition to the shop now occupied by him, upon the east side and at the south end of the same, to be thirty by thirty-five feet, and two stories high.

Resolved, That for said shop, said Gilbert shall be paid, at the expiration of his said contract, such sum as the said shop shall be worth at said time; and,

Whereas, The contract of said Henry Gilbert, referred to in ~~Preamble.~~ said resolution, has expired, and the present Board of Inspectors claim that they have neither the funds nor authority to settle and liquidate the claim of said Henry Gilbert for building the shop mentioned in said resolution; therefore,

SECTION 1. *The People of the State of Michigan enact*, That the Inspectors of the State Prison be, and they are hereby authorized to examine and adjust the claim of the said Henry Gilbert, growing out of such contract.

Appropriation. SEC. 2. There is hereby appropriated out of the general fund, a sum not exceeding eight hundred dollars, to be applied by said Inspectors to the payment of any sum which they may find to be due to said Henry Gilbert, on account of such contract.

Approved April 29, 1873.

[No. 391.]

AN ACT to amend act number fifty-seven of the session laws of eighteen hundred and fifty, entitled "An act to incorporate the Plymouth Plank Road Company," approved March five, eighteen hundred and fifty, by adding thereto a new section to stand as section seven.

Act amended by adding a new section. SECTION 1. *The People of the State of Michigan enact*, That act number fifty-seven, of the session laws of eighteen hundred and fifty, entitled "An act to incorporate the Plymouth Plank Road Company," approved March five, eighteen hundred and fifty, be amended by adding thereto a new section, to stand as section seven, and to read as follows:

Company authorized to sell and convey road, etc. SEC. 7. Said plank road company is authorized to sell, assign, and convey, to any township through which said road may run, so much of their road constructed therein, and the rights and franchises connected therewith; and upon such sale the said plank road company shall be released and relieved from all liability and responsibility from maintaining and keeping in repair such portion of their said road, without prejudice to their corporate rights, as to the remainder of said plank road; and as to the portion of the road so sold, the same shall be held to be discontinued.

SEC. 2. This act shall take immediate effect.

Approved April 29, 1873.

[No. 392.]

AN ACT to establish a board of public works in and for the city of Detroit.

SECTION 1. *The People of the State of Michigan enact,* There shall be appointed by the common council, on nomination of the mayor, on the last Tuesday of December following the passage of this act, three persons, freeholders and electors of the city, who shall constitute a board to be known and designated as the Detroit Board of Public Works. Such persons shall hold their offices for the term of two, three, and four years, respectively, from the third Tuesday in January, eighteen hundred and seventy-four, which terms shall be determined by lot in the manner to be prescribed by ordinance for drawing lots. Each succeeding member, so appointed by the council, shall be nominated and appointed in like manner on the second Tuesday in January preceding the expiration of the term of office of any member whose term will next expire, and for the term of four years. Each member of said board shall receive such salary per annum as the common council may from time to time establish. Each member shall devote his entire time to the performance of his official duty, and for any failure or neglect to do so, or from any other cause deemed sufficient, may be removed from office in the same manner as other elective officers of the city are removed by the common council. The members of said board shall give bonds in the sum of twenty thousand dollars each, with securities to be approved by the common council of the city of Detroit. The said board shall elect one of its own members president thereof. All vacancies in said board, whether by expiration of term of service or otherwise, shall be filled by the appointment of the mayor, and be confirmed by the common council.

Members to devote entire time to official duty.

Cause for removal.

To give bonds.

To elect president.

Vacancies.

SEC. 2. As soon as practicable after the members of said board shall have been appointed and qualified, they, together with the members of the board of water commissioners for said

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Term of office, etc. city, shall meet together and appoint a city engineer, who shall hold his office for the term of four years, or until his successor shall be appointed and qualified, and whose duty it shall be to perform all the duties heretofore required of the city surveyor, not in conflict with this act; all civil engineering, and any duty that may be required of him by the said board, or by said board of water commissioners, or by any resolution or ordinance of the common council; and he shall devote his entire time to the performance of his official duties. The members of said board of public works and of said board of water commissioners may jointly fix the compensation of said engineer and of such assistants as may be authorized by them, and who shall be appointed by them, on the nomination of the engineer; and they shall determine the portion of such compensation to be paid by the city, subject to the approval of the common council, and the portion to be paid by the board of water commissioners; and they shall also make such general regulations that the duties of said engineer and assistants, in respect to the requirements of said boards respectively and of the city generally shall not conflict. They may remove any of said assistants at any time, and may remove the city engineer for incapacity, neglect of duty, or any of the causes for which the city comptroller might be removed from office by the common council.

Compensation, etc.

Removal from office.

Acceptance of other office deemed a resignation. SEC. 3. Any one of the said board of public works, who shall, during his term of office, accept or hold any office, elected by the people, or who shall, during his term of office, be publicly nominated for any office elected by the people, and shall not, within ten days succeeding the same, publicly decline the said nomination, shall be, in either case, deemed thereby to have resigned his position and to have vacated his office.

Plan for streets and alleys. SEC. 4. The board of public works shall prepare, as soon as may be, a general plan of laying out into streets and alleys all such portions of the territory now or hereafter lying within the corporate limits of the city as shall not already be laid out,

approved, and platted at the time of the taking effect of this act; or without the city limits, and within two miles thereof, when directed by the common council, and may enter upon land for that purpose. If approved, they shall indorse their ^{To be endorsed by} approval on all plats of such streets and alleys, and no private ^{board.} plan shall be allowed or permitted which does not conform thereto; and no plat shall hereafter be recorded or be of any validity, unless before such record the approval of said board shall be duly indorsed thereon. They shall not have power to ^{Not to be changed except by resolution of} change such plats, when once approved and adopted by them, ^{council.} unless authorized so to do by a resolution of the council, passed by a three-fourths vote of the members elect: *Provided*, That ^{Further proviso.} *Provided*, That ^{Further proviso.} all streets and alleys shall be laid out so as to conform as nearly as may be to the lines of streets and alleys now opened; *And provided further*, That the action of said board in plating ^{Further proviso.} territory lying outside of the said city shall not be obligatory or binding upon the inhabitants owning lands lying without the limits of the said city of Detroit, where the said territory remains outside of the city limits.

SEC. 5. They shall establish a system of grades for all streets and alleys within said corporate limits, and when once established, no grade shall be changed, except by resolution of the council as above provided.

SEC. 6. It shall establish a system of sewers for the entire of ^{sewers.} city, and cause to be designated on said plats the streets through which the same are to be constructed; and no street ^{Streets not to be paved until sewers are completed.} shall be paved until the sewer to be constructed through the same shall be completed so far as the pavement is to extend; *Provided*, That all sewers, water pipes, gas pipes, and all connections be made and completed at least one year before such paving is ordered to be done.

SEC. 7. Said board may require, before any street is paved, ^{May require gas pipe to be laid.} that the gas pipe shall be laid therein, and connections made to the curb in front of each lot. If any gas company refuses ^{May prohibit laying of pipe.} to lay said pipe, when required by said board, they may pro-

hibit the laying of such pipe in such street after the street is paved.

Shall supervise grading, paving, etc., of streets. SEC. 8. The board of public works shall supervise the grading and paving of all streets, avenues, alleys, and public

Of repairing grounds; the cleaning, working, repairing, and improving of wharves, docks, bridges, etc. all streets, avenues, alleys, and public places, and also the construction, altering, and repairing of public wharves, docks, bridges, culverts, receiving-basins, sewers, and water-courses

within said city; the improvement and ornamentation of all parks and public grounds within the city: *Provided*, That this act shall not be construed so as to repeal an act entitled

“An act supplementary to the charter of the city of Detroit, relating to a public park or other public grounds, for the use of said city,” approved April fifteen, eighteen hundred and seventy-one, and the acts amendatory thereof, or in any way interfere with any of the powers or duties of the board of park commissioners in relation to any park or public grounds laid out or established by virtue of said acts; the laying of all

Laying of gas and water pipes, etc. gas or water pipes through any street or alley; the construction of all sewers and drains; and no person shall make any connection therewith without the consent of said board, and under such general rules and regulations as the board may

Erection of lamp posts. adopt. Said board shall also have the supervision and control of the erection of all lamp posts, and may order the erection of the same at such places as the same may from time to time be needed.

Laying of sidewalks. Construction of vaults. SEC. 9. It shall supervise the laying down of all sidewalks and crosswalks; the construction of all vaults under any portion of said streets; the erection of all public buildings and

Erection of public buildings. works of the corporation, or any board thereof within or without the city, excepting such buildings and works as may by law be under the supervision of the board of water commissioners, and may stop the work thereon when the same is not being done according to the contract thereof: *Provided, however*,

Proviso. That this clause shall not be construed to give the board

any right to interfere with or change the plans or specifications of such buildings or works, nor authorize them to demand any variation therefrom.

SEC. 10. When the construction of any building or work of the corporation shall require peculiar skill, the common council may, by resolution, authorize the board to employ a competent person to superintend the same, at a compensation not exceeding a sum to be stated in said resolution.

SEC. 11. On and after the first day of January, in the year of our Lord one thousand eight hundred and seventy-four, the board of public works shall have the entire charge and control of the street-cleaning, repairs of paving, and building of wooden crosswalks in the city of Detroit. They shall advertise in the month of February of each year, for proposals for cleaning and working the streets, alleys, and public places, repairing paved streets, and crosswalks, and the building of wooden crosswalks for the term of one year. For this purpose they may receive proposals for the whole of the above mentioned work, or may receive proposals for doing the same by wards or districts, as they may determine; and they shall let the work to the lowest responsible bidder, who shall give adequate security for the performance of his contract: *Provided*, That they may reject all the proposals made. The board shall not change the boundaries of said district after advertising as above provided. If, in their opinion, the interests of the city require, they may employ laborers to clean and work the streets by the day or month, as they may deem best. The board of public works shall report to the controller of the city of Detroit, in the month of March of each year, an estimate of each of the sums required for working or cleaning of streets, repairs of paved streets and crosswalks, building of wooden crosswalks in each ward of the city of Detroit; also for the repair or construction of public wharves, docks, bridges, platforms, culverts, receiving basins, sewers, public drains, buildings, lamp posts, and drinking or ornamental fountains.

When board
may hire a
superintend-
ent.

Compensa-
tion.

Street
cleaning and
repairs.

May adver-
tise for pro-
posals.

May receive
proposals
for doing the
same by
wards or
districts.

Proviso.

Shall not
change
boundaries
of districts
after adver-
tising.

To report to
comptroller
an estimate
of expenses.

mental fountains, erected by the city or said board, and of all the public works to be carried on under their supervision during the fiscal year, or for any other of the purposes for which money may be expended under the provisions of this act. The sum required for each ward for working or cleaning of streets, repairs to street pavements or crosswalks, shall be levied and assessed as the present ward road tax is assessed, in accordance with the charter and ordinances of the city of Detroit.

Sum required for each ward, how assessed.

Public improvements to be referred to board.

SEC. 12. When any public improvement (except the opening of public streets), or public work is proposed, the common council shall, before proceeding with the same, refer the matter to said board of public works, and the board last named shall forthwith proceed to examine the same, and shall, as soon as practicable, report thereon to the common council, giving detailed estimates of the costs of such works or improvements (if any cost there will be), and shall make such recommendation as said board of public works may deem expedient.

Persons to be employed by board.

SEC. 13. The said board shall have power to employ superintendents, clerks, surveyors, a secretary, and such other persons as may be necessary to enable them to perform their duties under this act, and to specify the duties of such persons so employed, and to fix their compensation, as shall be from time to time determined by the council, and shall have power to adopt such rules and regulations for its own and the government of its employes as they may deem necessary and expedient to effect the purposes of its organization, and also to remove any person so appointed at its pleasure.

Work done to be reported to council.

SEC. 14. All work done under the supervision of said board shall be reported to the common council from time to time, and no money shall be paid out of the treasury on account of any work so done until the common council shall have instructed the controller to draw his warrant therefor.

Other powers, etc., of board.

SEC. 15. Said board shall also exercise such other powers and perform such other duties in the superintendence and

Minno U

construction of public works, improvements, and repairs constructed by authority of the council, or owned by the city, as the council may from time to time direct.

SEC. 16. It shall be the duty of said board to classify or ^{Division of interests into departments, etc.} divide the various works or interests under their control into departments, as far as may be, and keep an accurate account of the costs of each branch, showing the amounts expended for original improvements or construction, and the amounts for repairs, superintendence, and other expenditures, exhibiting the source of expenditures; and it shall be the duty ^{Annual report to common council.} of the said board to make a report to the common council of said city annually, in the month of February, which shall embrace the said expenditures of the different branches or departments of work under their control, and the said report shall also embrace a statement of the condition, progress, and operations of the works; and the said board shall also have charge and control of the streets, parks, and public grounds of said city, and may, by printed rules and orders, approved by the common council, regulate the use of the same, and provide for planting ornamental trees therein: *Provided*, ^{Proviso.} That nothing herein shall be construed to authorize said board to devote any more of a public street to ornamental trees than such as is not required or used for road and sidewalk purposes.

SEC. 17. No member of said board shall be interested, ^{Members of board not to be interested in contracts, etc.} either directly or indirectly, in any contract entered into by them, with any other person; nor shall they be interested, either directly or indirectly, in the purchase of any material to be used or applied in and about the uses and purposes contemplated by this act. Any member of said board may at any ^{Removal from office.} time be removed by a vote of two-thirds of the members elected to the common council of said city, for sufficient cause, and the proceedings in that behalf shall be entered in their journal: *Provided*, That the said common council shall ^{Proviso.} previously cause a copy of the charges prepared against such member sought to be removed, and notice of the time and

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place of hearing the same, to be served on him ten days at least previous to the time so assigned, and opportunity given him to make his defense.

Paving and grading of streets, etc., to be done under supervision of Board. SEC. 18. The paving and grading of all streets, all public places, ordered by the common council, shall be under the supervision of the board of public works, and contracts and under specifications to be prepared by the board, and approved by the common council, and all appropriated by the common council for such purpose be expended by the said board, and paid from the appropriate fund provided by the common council therefor. In the

In the erection of public buildings, etc., board shall advertise for proposals. tion of public buildings, and paving of streets, and construction of sewers, the board shall advertise for proposals to execute the work according to plan and specifications, a board may contract with the lowest responsible bidder

provided, It shall be at their option to reject all proposals.

Proviso. SEC. 19. Said board shall have power to issue permits for building, and for use of the highways for such purpose, such regulations as the common council may prescribe by ordinance. Before any building shall be used or occupied as a place of amusement, or for any kind of public gathering except churches, a permit from said board shall be obtained which shall not be granted until said board shall be satisfied that such building is safe in its construction for such use as to facilities for ingress and egress, in case of fire or accident.

Penalty for using buildings without such permit. Any person using or permitting any building to be used for such purpose, without first having obtained such permit from said board, shall, on conviction, be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding six months, in the Detroit house of correction, by both fine and imprisonment, in the discretion of the

Offices abolished. SEC. 20. The offices of street commissioners, overseers of highways, city surveyor, the board of sewer commissioners on plan of the city, and all other offices whose duty is to be performed by the board of public works



hereby abolished, from and after the third Tuesday of January, eighteen hundred and seventy-four.

SEC. 21. Said board shall have power summarily to remove ~~dangerous walls, etc.~~ Power to remove other structures that may be liable to fall into any street, alley, or public place, or otherwise, so as to endanger life or property.

Approved April 29, 1873.

[No. 393.]

AN ACT to detach certain territory from the township of Hamtramck and Grosse Point, and to annex the same to the city of Detroit.

SECTION 1. *The People of the State of Michigan enact, That* ^{Territory annexed to city.} from and after the first day of September, eighteen hundred and seventy-three, the following district of country shall be annexed to the city of Detroit and constitute a portion of the corporate limits of said city, to wit: Beginning at the national boundary line in the Detroit River, on the continuation of Mount Elliott Avenue; thence easterly along said national boundary line to the extension of the easterly line of private claim number three hundred and eighty-five (385), near the east bank of Connor's creek, in the township of Grosse Point; thence northerly along the easterly line extended of said private claim number three hundred and eighty-five, to the northerly line of Jefferson avenue; thence westerly along the northerly line of Jefferson avenue to the township line between the townships of Hamtramck and Grosse Point; thence northerly along said township line to a point three hundred feet northerly of a point where the northerly line of Fremont street in said city, if extended easterly on the present line of said street, would intersect the said township line between Hamtramck and Grosse Point; thence westerly to the present easterly boundary of said city, along a line running parallel to the northerly line of Fremont street, if extended as afore-

said, and distant three hundred feet northerly thereof thence running southerly, and following the present east boundary line of said city, to the national boundary line in Detroit river, at the place of beginning; excepting the island known and called Belle Isle, in the Detroit river, and hundred feet on the northerly, easterly, and westerly thereof, and all the territory lying between the southerly thereof and the national boundary line: *Provided*, That the board of commissioners of the metropolitan police of the city of Detroit, and the members of its police force shall have the same powers and perform the same duties within the territory above excepted, as are now granted to and imposed upon the board, and the members of said force within said city, by acts organizing such board and all other acts relating thereto.

Territory annexed to tenth ward.

SEC. 2. All that part of the territory hereby annexed to the city lying westerly of Mount Elliott avenue extended, southerly of said described line running northerly of and parallel to Fremont street extended, shall be annexed to and become part of the present tenth ward of said city. All that part of the territory hereby annexed, which lies easterly of Mount Elliott avenue extended, and southerly of said described line running northerly of and parallel with Fremont street extended, shall constitute one ward to be known as the eleventh ward of the city.

When territory annexed shall become subject to laws, etc., of city.

From and after the first day of September, eighteen hundred and seventy-three, the territory hereby annexed to said city shall be subject to all laws, ordinances, and regulations which shall at any time be in force over the remainder of said city, and shall cease to be subject to the regulation or government of any other township, except as provided by law.

Common council may alter and divide wards

The common council of said city may at any time alter or divide said wards in the manner provided by the charter of said city for the regulation or alteration of the present boundaries thereof: *And provided further*, That the annexation of territory shall not be held to interfere with or prevent the levying, collection, or appropriation of any tax levied

Proviso.

assessed upon any lands lying within said annexed territory for the year eighteen hundred and seventy-three, for State, county, school, highway, or township purposes, and said annexed territory shall not be subject to taxation for city purposes prior to the first day of January, eighteen hundred and seventy-four.

SEC. 3. There shall be elected in said eleventh ward, at the next ensuing charter election to be held in said city after said first day of September, two persons in said ward to serve as ^{Election of officers in eleventh ward, and terms of office.} aldermen, one to serve one year, and one to serve for two years, and the time of service for which said aldermen are respectively elected shall be designated on the ballots cast for such officers respectively, and such other ward officers shall be elected at such election as are provided for the other wards of said city, and the terms of office of all such aldermen and officers shall correspond with those holding the same offices in other wards.

SEC. 4. The common council of said city shall, at least ten days before the charter election for eighteen hundred and ^{Common council to appoint places for holding election.} seventy-three, appoint the places for holding the election in said eleventh ward, and said election shall be conducted in like manner with those in the other wards in said city, except ^{To appoint inspectors.} that said common council shall appoint three persons, residents of said eleventh ward and qualified electors thereof, to act as inspectors of said election, who shall be sworn to the faithful discharge of the duties of such inspectors, which oath either may administer to the others, and who shall be the legal inspectors of said election.

SEC. 5. It shall be the duty of the common council of said city to appoint two persons who shall constitute a board of ^{To appoint board of registration.} registration of electors in said eleventh ward, and shall designate a proper place in said ward where said board shall meet and hold a session of said board for the purpose of making a registration of the electors in said ward. Said council shall ^{To give notice of session of board.} cause ten days' notice of the session of said board to be given

by publication in two or more newspapers in said city. Said board shall hold a session thereof in said ward on the Thursday, Friday, and Saturday next preceding the holding of the charter election, in the year eighteen hundred and seventy-three. Said registration shall be made and completed as near as may be in conformity to the general registration law of the State in force in said city.

Approved April 29, 1873.

[No. 394.]

AN ACT to amend an act entitled "An act to provide for the laying out and establishing a State road in the county of Alcona, and appropriate certain non-resident highway taxes to aid in the construction of the same," being act number four hundred and four of the session laws of eighteen hundred and sixty-nine, approved April second, eighteen hundred and sixty-nine.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections two, seven, and eight of said act be so amended as to read as follows:

Non-resident highway taxes appropriated

SEC. 2. All non-resident highway taxes assessed and unexpended for the year eighteen hundred and sixty-eight, and hereafter to be assessed for eight years thereafter, in township number twenty-five north, range number six east, and township number twenty-five north, of range number five east, township number twenty-six north, of range six east, and township number twenty-six north, of range five east, be and the same are hereby appropriated for laying out, constructing, and improving the road hereinbefore mentioned.

Commissioner to receive all moneys.

SEC. 7. Said commissioner may demand and is hereby authorized to receive all money herein appropriated, and it shall be the duty of the treasurers of the several townships through which said road may pass, and of the treasurer of Alcona county, to pay over to said commissioner, on demand, all the moneys herein appropriated.

Treasurers to pay over all moneys on demand.

SEC. 8. The contract for constructing the said road shall be let to the lowest responsible bidder, at such time and place as the said commissioner may designate, and notice of the letting of such contract shall be posted in at least three of the most public places in the village of Harrisville, in the county of Alcona, and in the village of Oscoda, in the county of Iosco, at least ten days before the time designated.

Letting of
contract and
posting of
notices.

SEC. 9. This act shall take immediate effect.

Approved April 30, 1873.

[No. 395.]

AN ACT for laying out, establishing, and constructing a State road in the county of Oscoda, and appropriate certain non-resident taxes to construct the same.

SECTION 1. *The People of the State of Michigan enact, That* ^{Commissioner appointed} John McCaul of Oscoda township, Iosco county, commissioner of the State road in Alcona county, established by act four hundred and thirty-eight of the session laws of eighteen hundred and sixty-nine, shall extend, lay out, establish, and construct said road created by said act, through the county of Oscoda to the meridian line.

SEC. 2. It shall be the duty of said commissioner to lay out ^{Survey of} _{Line of road.} said road and cause the same to be surveyed, and a description ^{same to be filed with} _{county clerk} thereof to be filed with the county clerk of Alcona county, who shall cause the same to be properly recorded.

SEC. 3. All the highway taxes that shall be assessed upon ^{Appropriation of} _{highway taxes.} non-resident lands in the county of Oscoda, shall be and are hereby appropriated for a period of two years from the passage of this act; also the unexpended non-resident highway tax of eighteen hundred and seventy-two, to be expended under the direction of said commissioner in constructing said road.

SEC. 4. Said commissioner, before entering upon the discharge of his duties, shall give a bond, with good and sufficient sureties, to the treasurer of Alcona county, in the sum

Commissioner shall give bond.

of two thousand dollars, for the proper and faithful performance of his duties, and expenditure of all money hereby appropriated, and received by him as said commissioner.

Demand and receive all moneys. SEC. 5. Said commissioner may demand, and is hereby authorized to receive all money herein appropriated, and it shall be the duty of the treasurer or treasurers of any township or townships to which said lands are or may be attached hereafter, and the treasurer of Alcona county, to pay over to said commissioner, on demand, all the moneys herein appropriated.

Moneys to be used in locating and constructing road. SEC. 6. It shall be the duty of said commissioner to cause all moneys received by him, under this act, to be used in locating and constructing said road, and for no other purpose ; and to superintend said construction and determine the manner in which such money shall be laid out and applied thereon, and he shall have power to let out the work to be done, to the lowest responsible bidders by contract, and to enforce the execution of said contracts.

Compensation. SEC. 7. The said commissioner shall receive as compensation for his services, three dollars per day while actually engaged in the performance of the duties imposed upon him by this act, which, with the expense of surveying and locating, shall be audited and paid by the supervisors of Alcona county, by an order on the treasurer of said county, to be paid out of the fund created by this act, the same to be verified by the oath of said commissioner.

How paid. SEC. 8. In case any vacancy shall occur in the office of commissioner, as created by this act, it shall be the duty of the Governor of the State of Michigan to appoint a commissioner to fill such vacancy, and such appointee shall give bonds in like manner, and have the same powers as the commissioner named in this act.

SEC. 9. This act shall take immediate effect.

Approved April 30, 1873.

[No. 396.]

AN ACT to establish and organize a police court in the city of Grand Rapids.

SECTION 1. *The People of the State of Michigan enact,* That ^{Police court.} a police court shall be established and organized in the city of Grand Rapids in said State. There shall be a police justice ^{Police justice.} (who shall be the presiding officer of said court), elected in and for said city by the qualified electors thereof, at the first ^{First election.} annual charter election for said city after the passage of this act, which said election shall be conducted in the same manner as elections for city officers of said city; and all the provisions of law applicable to the election of the officers of said city shall apply to the election of said police justice. Said ^{Term of office.} police justice shall enter upon the duties of his office on the first Monday in May next after his election, and shall hold said office for four years from the first Monday in May next after his election, or until his successor is elected and qualified. And at every fourth annual charter election, next after ^{Election.} the passage of this act, there shall be elected a police justice for said city, in the manner hereinbefore described, who shall enter upon the duties of his office and hold the same at and for the time aforesaid; and if, from any cause, a vacancy shall ^{Vacancies in office, how filled.} occur in the office of police justice, the common council of said city shall appoint some person to fill such vacancy for the remainder of said term, or order a special election to be held for the election of a police justice for the remainder of said term, which said election, if ordered as aforesaid, shall be held and conducted in the same manner as the annual city election, and the same notice thereof given as is by law required to be given of the annual city election. Said police justice shall, before ^{Oath of office to be taken in duplicate.} entering upon the duties of his office, take and subscribe, in duplicate, the oath prescribed by the constitution of this State, before some officer authorized by law to administer oaths, and deposit the same, one in the office of the clerk of said city, and the other in the office of the clerk of the county of Kent,

who shall file and preserve the same in their respective offices.

Bond to city He shall, also, before he enters upon the duties of his office, enter into a bond to the city of Grand Rapids, with two sufficient sureties, to be approved by the mayor of said city, in such sum as the common council shall direct, conditioned for the faithful performance of the duties of his office, and to account for and pay over all moneys which shall come into his hands belonging to said city, to the treasurer thereof, at the expiration of every month during the time he shall continue in

Where filed office, which said bond shall be filed in the office of the clerk of said city. He shall, also, before he enters upon the duties of his office, make and sign an undertaking in writing, with at least two sufficient sureties, to be approved by the treasurer of the county of Kent, conditioned for the faithful performance of the duties of his office, and to account for and pay over to the treasurer of the county of Kent all moneys which shall come into his hands, which by law are payable into the treasury of said county, within ten days after his receipt of

Bond to county the same, which said undertaking shall be filed in the office of the treasurer of said county.

Exclusive jurisdiction of police justice. SEC. 2. Said police justice shall, except in case of his absence or inability to act, have sole and exclusive jurisdiction to issue process for, hear, try, and determine all offenses against the charter of said city, or the by-laws or ordinances of the common council, already enacted, or that shall hereafter be enacted, anything in any other law of this State, or the charter of said city, or any ordinance of said city, contained to the contrary thereof, in anywise notwithstanding: *Provided, however,* That nothing in this act contained shall be construed to interfere with or in any manner limit the jurisdiction of the recorder's court for said city as now established by law: and all the provisions of law relative to complaints against offenders, for violation of the provisions of the charter of said city, or of any by-law or ordinance of the common council of said city, and relative to process, proceedings, and judgments

Not to interfere with the jurisdiction of the recorder's court.

Laws and ordinances relative to the punishment of offenders to apply to police court.

hereon, and relative to execution upon such judgments and proceedings thereon, shall apply to said police court. Said police justice shall also have and exercise concurrently with the justices of the peace of said city, the same jurisdiction in criminal cases, which by law is conferred upon such justices of the peace, in the arrest and examination, or trial of offenders against the general laws of this State for offenses committed within the limits of said city; but said police justice shall exercise no civil jurisdiction whatever, except as herein-before provided.

SEC. 3. The justices of the peace of said city shall have and exercise all the jurisdiction conferred by this act exclusively, upon said police justice, in case of his absence from said city, inability from any cause to perform the duties of his office, or during the time there shall be a vacancy in said office, but in no other case whatever.

SEC. 4. Said police justice shall be a resident of, and qualified elector in said city, and shall keep his office therein; he shall attend to all complaints on behalf of said city, and all complaints of a criminal nature which may be brought before him, at all reasonable hours. In case of his removal from said city, his death, resignation, or removal from office, his office shall be deemed vacant, and such vacancy filled in the manner hereinbefore provided.

SEC. 5. Any justice of the peace of said city, during the sickness of said police justice, his absence from the city, or other inability to discharge his duties, or during a vacancy in said office, shall be bound to discharge the duties of said office, and shall receive the same fees as though this act had not been passed, but in no other case.

SEC. 6. When any warrant or other process issued by, and returnable before, said police justice, shall be returned during his absence, sickness, or other inability to act, or during a vacancy in said office, any or all further proceedings on such warrant or other process may be had before any justice of the peace.

peace residing in said city. And all parties to such proceeding shall be bound to appear, and attend before such justice of the peace, and abide his judgment or determination thereon, the same as though said police justice was personally present conducting said proceedings.

Justice may require complaining witness to give security for costs.

SEC. 7. The said police justice shall have authority, in all cases, at his discretion, either before or after the issuing of process, to require of the complaining witness security for costs to the satisfaction of said justice, and the person becoming such surety shall sign a memorandum in writing to that effect, which said justice shall keep as a part of the record of the case; and in all cases non-resident complaining witnesses shall give security before process shall issue. If the defendant or accused be discharged on examination, or acquitted on trial, the said police justice shall enter a judgment for costs against the surety and the complaining witness, either or both of them,

Non-resident complaining witnesses. Judgment in case accused is discharged. Collection of which shall be of like force and effect, and shall be collected on judgment, execution, as any other judgment rendered by a justice of the

Proviso. provided however, before rendering such judgment said justice shall certify on his record that such payment of costs, by such complainant, in his opinion is just and equitable.

Wrts. etc., to whom directed and issued by whom served. SEC. 8. All writs of execution, and all first and final process, issued by said police justice shall be directed to, and served and executed by, the chief of police, or any member of the police force of the city of Grand Rapids, and all other writs or process issued by him may be executed by either of the officers aforesaid, or by any constable of said city. There shall

Taxation of fees, etc., as costs.

be taxed as costs by said justice, in each case examined, or tried and determined before him, for services rendered by him, the same fees as are allowed by law to justices of the peace in criminal cases; and for the services of the chief of police or any member of the police force in each case there shall be taxed as costs therein, the same sum or sums as are allowed by law to constables, sheriffs, and turnkeys for like services; and for the services of any constable not a member of the police force

of said city, such fees as are allowed by law for like services in criminal cases, which said fees shall be paid to said constable when collected, to his own use; and in all cases commenced before said police justice for the recovery of fines, penalties, or forfeitures, and in all cases of offenses against the criminal laws of this State within the jurisdiction of said justice to try and determine, if the defendant shall plead guilty to the offense charged, or shall be found guilty thereof on trial by said justice, judgment for costs accruing in the case shall be rendered against and paid by said defendant in addition to the fine, penalty, or forfeiture imposed. And in all cases of examination of offenders by said police justice, for offenses committed against the criminal laws of this State, where said justice has jurisdiction to examine and hold to bail only, the fees of said justice chargeable by law on such examination, shall be audited by the board of supervisors of the county of Kent, and paid out of the treasury of said county.

And in case the costs aforesaid taxed against the defendant in any sentence imposed by such justice, in suits tried and determined by him for a violation of the criminal laws of this State, shall not be paid by said defendant, the same shall be audited by the board of supervisors aforesaid, and paid out of the treasury of said county. It shall be the duty of said justice to collect such costs, and pay the same to the treasurer of said city at the close of each month, taking his receipt therefor (except the costs payable to such constable performing services as aforesaid), and shall report the same to the common council of said city at its first regular meeting in each month.

SEC. 9. If the defendant in any suit brought for the recovery of any fine, penalty, or forfeiture for a violation of any of the provisions of the charter of said city, or of any by-law or ordinance of the common council thereof, shall desire the same to be tried by a jury, he shall demand the same at the time of pleading to the complaint, and not afterwards, and shall at the

Judgment to be with costs in cases brought for the recovery of fines, penalties, etc.

When fees to be audited by board of supervisors and paid by county.

When costs shall be so audited and paid.

Justice to collect costs and pay same to treasurer.

To report same to council.

When defendant may demand a jury in suits brought for the recovery of fines etc.

Jury fee. same time pay to said justice a jury fee of six dollars, of which the sum of three dollars shall be paid to said for their fees in trying said case, and the balance to the for making a jury list, summoning said jury, and attending upon the same until they shall deliver their verdict, or be charged. Said police justice shall designate the office to make such list, and summon said jury; *Provided*, That such jury shall be summoned and attended upon by the of police or any police constable, the said sum of three dollars shall be paid to such police justice, and shall be him paid into the city treasury. Such jury shall be constituted and obtained in the manner prescribed by law for obtaining a for the trial of civil cases in justices' courts. And in the

Jury, how constituted and obtained of all criminal cases for a violation of the criminal laws of the State, the defendant shall be entitled to a jury if he demand the same at any time before a witness shall be called on such trial, which said jury shall be constituted, and obtained in the manner prescribed by law for obtaining a for the trial of civil cases in justices' courts. And in the

When defendant may call for a jury in case of violation of criminal laws. of all criminal cases for a violation of the criminal laws of the State, the defendant shall be entitled to a jury if he demand the same at any time before a witness shall be called on such trial, which said jury shall be constituted, and obtained in the manner prescribed by law for obtaining a for the trial of civil cases in justices' courts in criminal cases.

Police justice and members of police force entitled to no fees under this act. SEC. 10. Neither said police justice, the chief of police, or any member of the police force of said city, shall be entitled to receive to his own use any fees for services performed under this act; but in lieu thereof said police justice shall receive an annual salary of not exceeding twelve hundred dollars per year, to be fixed from year to year by the common council of said city, and the chief of police and members of the police force of said city shall receive such annual salary as shall be fixed by said common council, from time to time; which

How allowed salaries shall be allowed, raised, and paid. salaries shall be allowed, raised, and paid monthly out of the treasury of said city, in the same manner that other claims against said city are allowed and paid.

Appeal to the recorder's court. SEC. 11. In all cases in said police court, brought or instituted for a violation of the charter of the city of Grand Rapids, or any of the by-laws or ordinances of said city, the sentence of imprisonment shall be thirty days or more

where the fine, penalty, or forfeiture imposed shall amount to twenty-five dollars or over, exclusive of costs, the recorder of said city, or any judge of a circuit court, may allow an appeal therefrom to the recorder's court for the city of Grand Rapids, upon satisfactory affidavit, presented to said recorder or circuit judge, within five days after judgment, showing the nature of the case and the substance of the evidence taken thereon, if, in the opinion of such recorder or judge, justice shall require an appeal, and on filing such affidavit and allowance with said police justice, such appeal may be taken in the same manner, and with the same effect and restrictions as prescribed by law for appeals to the circuit court in criminal cases.

SEC. 12. Nothing in this act contained shall be construed to prohibit the sheriff of the county of Kent, or any under or deputy sheriff of said county, from serving or executing any process issued by said police justice for the arrest or detention of any offender against the criminal laws of this State; and any of the officers aforesaid are hereby authorized to serve or execute said process, whether the same shall be directed to them or not.

SEC. 13. Said police justice shall be of the degree of attorney and counsellor at law of the Supreme Court of this State; and the mayor of said city shall appoint some discreet and proper person, of the degree above named, as such police justice, who shall be appointed by the common council of said city, and who shall hold his office until the next annual city election, and until some person shall be elected and qualified as such police justice.

SEC. 14. Nothing in this act contained shall be construed as in any wise to affect the jurisdiction of justices of the peace of said city, as heretofore by law exercised, until said police justice shall be elected and qualified, and shall enter upon the duties of his office under the provisions of this act.

Approved April 30, 1873.

CERTIFICATE.

STATE DEPARTMENT OF MICHIGAN, } ss.
Secretary's Office, }

I, DANIEL STRIKER, Secretary of State of the State of Michigan, do hereby certify that the date of the final adjournment of the regular session of the Legislature of this State, for the present year, was May first, one thousand eight hundred and seventy-three.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of [L. S.] Michigan, at Lansing, this twenty-eighth day of May, in the year of our Lord one thousand eight hundred and seventy-three.

DANIEL STRIKER,
Secretary of State.

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